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MAGAZINE
NOVEMBER 26, 1979 • $1.25

Stanford: *How to Succeed in Washington*

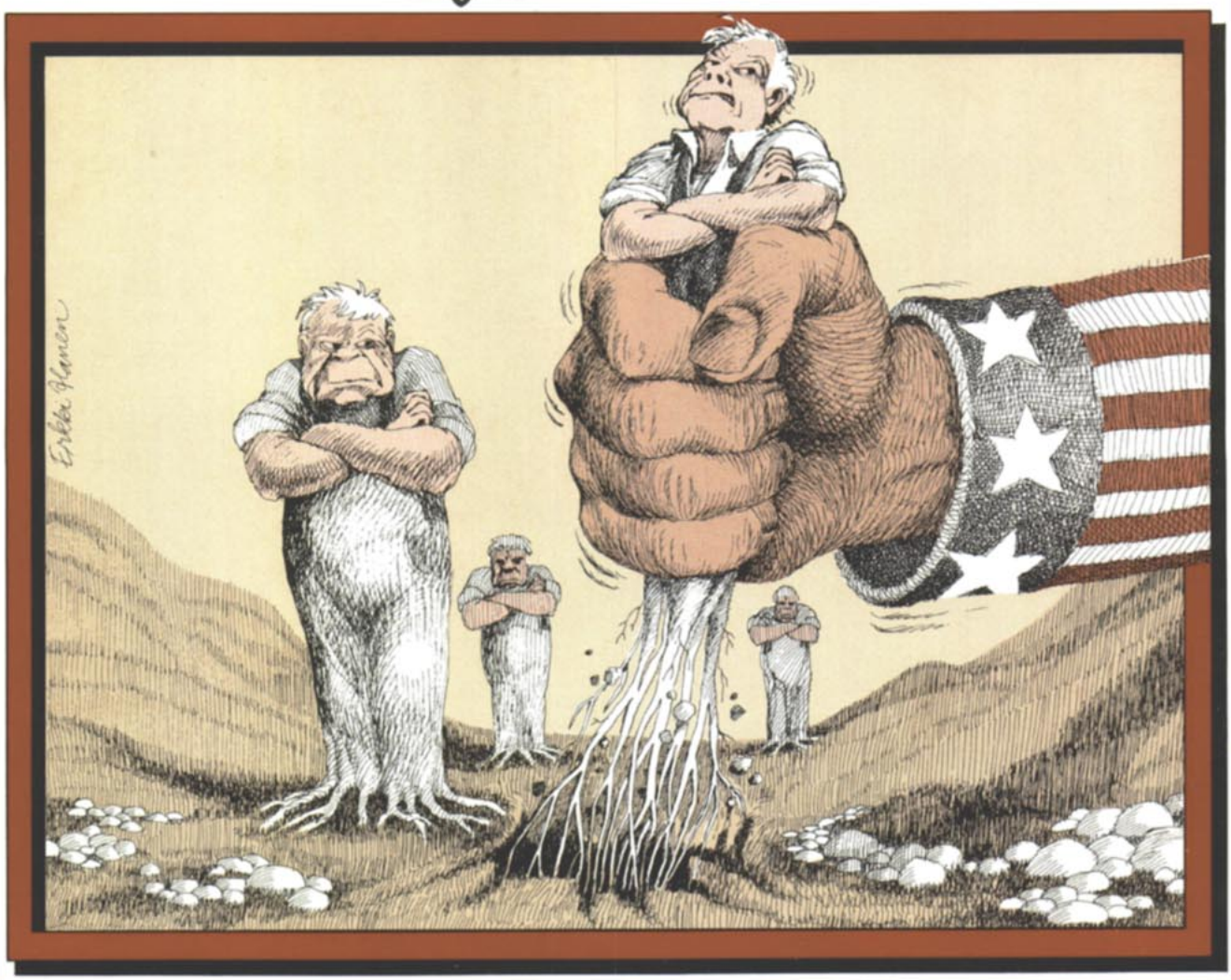
The Coming Showdown over Saccharin

Nuclear Subsidies; Apartheid's Roots

West Virginians Make Their Stand

LAND WAR IN LEWIS COUNTY

By KARL HESS



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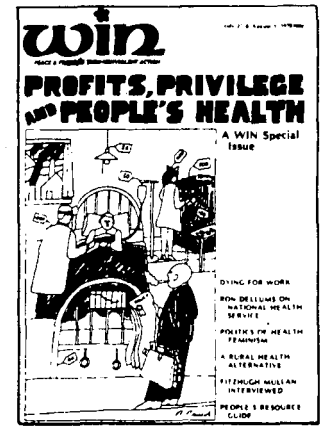
"PROFITS, PRIVILEGE, AND PEOPLE'S HEALTH"

A WIN Special Issue



WIN's special issue on health care includes articles by Claudia Dreifus, Rep. Ronald Dellums, and an interview with Fitzhugh Mullan on such topics as national health insurance, health feminism, rural health care delivery, occupational health and safety plus a people's resource guide to health care politics. All in all, everything you wanted to know about health care but were afraid to ask, and an invaluable tool in the struggle for a health care system accessible to all regardless of economic or social standing and subject to community control and priorities based on need rather than profit.

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NOVEMBER 26, 1979

Land War in Lewis County

KARL HESS **p. 15**

In the hills of West Virginia, farmers are standing firm against an Army Corps of Engineers plan to tear down their homes, flood their fields, and destroy the communities they love.

Saccharin in Suspense

WILLIAM HAVENDER **p. 20**

Although scientific studies have failed to show that saccharin is a health hazard, an FDA ban still looms. It's time for Congress to guarantee the people's right to choose.

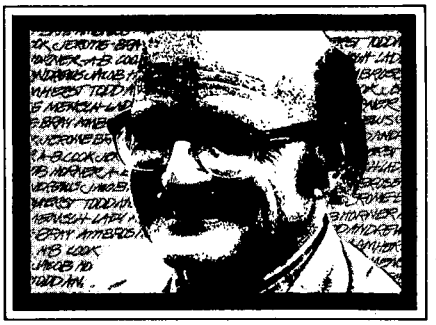
COLUMNS & REPORTS

Inquiries ..... **p. 3**
Intruding on the family; Missileland; The psychiatrist as gatekeeper.

Bread & Circuses ..... **p. 8**
A tale of two bureaucrats. While Ernest Fitzgerald was blowing the whistle about the $2 billion cost overrun on Lockheed's C5-A, Robert Komer was seeing the light at the end of the tunnel in Vietnam. Guess which man became Jimmy Carter's new undersecretary of defense? (*PHIL STANFORD*)

Corporate State ..... **p. 10**
Who's fueling whom? Electric utilities say that nuclear power is cheap, but their statistics fail to mention the considerable subsidy nuclear power receives from the taxpayer. (*BRUCE BARTLETT*)

Dispatch ..... **p. 12**
The roots of apartheid. Although its propagandists like to refer to South Africa as a "free enterprise" nation, apartheid has led to an economy as centralized and rigid as any in Eastern Europe. (*RALPH HORWITZ*)



Books ..... **p. 24**
Featuring Gene Lyons on *Letters*, by John Barth; David Gordon on *Western Political Theory in the Face of the Future*, by John Dunn; Thomas W. Hazlett on *The Regulated Industries*, by Paul MacAvoy.

Film ..... **p. 30**
Stephen Harvey reviews the New York Film Festival I.

Cover illustration by ERKKI ALANEN. *Typography by* MACKENZIE-HARRIS AND SOLOTYPE.

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A WORD FROM THE PUBLISHER

THE RESILIENCE OF government is a remarkable thing to behold. In the wake of Watergate, Vietnam, stagflation, and the tax revolt, the bureaucracy grows, government spending increases, and our lives become ever more regulated. The federal juggernaut rolls along seemingly oblivious to the damage it has wrought or to the growing skepticism of those it presumes to rule. As Tom Hazlett observes in this issue, the system, faced with overwhelming evidence as to the counterproductivity of its regulatory apparatus, "has shown itself to be so incredibly buoyant." And Phil Stanford's piece, in tracing the respective federal careers of Robert Komer and Ernie Fitzgerald, shows to what extremes this audacity can be carried. It is not surprising, then, to learn that the Joint Economic Committee chose to commemorate the fiftieth anniversary of the onset of the Great Depression by inviting testimony from Walter Heller and John Kenneth Galbraith.

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RES PUBLICA

Show of farce

■ Military officials have delayed a scheduled beach assault at the Navy base at Guantanamo Bay, Cuba, in part to provide more light for television crews.

More than 1,700 marines from North Carolina bases were to have landed at dawn tomorrow. But the Joint Chiefs of Staff have changed the assault time to 8:30 A.M. In addition to providing better light for TV cameras, officials said, the change would keep marines from getting hurt while boarding boats in the dark.

—*New York Times, Oct. 17, 1979*

"A short history of the Carter administration," by J. Kreps

■ "We have a lot of animals on our ship, some of which may have climbed on board because they didn't have any where else to go. . . . What we have, however, adds up not to a hodgepodge, but to the potential threads of a common purpose," [Secretary of Commerce Juanita] Kreps told an early Cabinet meeting.

—*Washington Post, Oct. 5, 1979*

Philatelic flimflam

■ In the weeks before their public careers ended at noon last Jan. 3, eight House members with a total of 155 years of experience in Congress used their office expense accounts to obtain $53,405 worth of stamps from the House postmaster. . . .

House staffers are split over whether the practice is a violation of fundamental House rules or merely, as one aide called it, "highly unethical."

—*Washington Post, Oct. 6, 1979*

Oh, what the hell

■ Wayne County [Michigan], the nation's third most populous county, is going broke and its employees face layoffs and the possibility they will get IOUs instead of paychecks today. . . .

No one is certain how many employees the county has. Estimates range from 5,300 to 9,000. Estimates peg the current deficit near $19.5 million, but state auditors in September gave up trying.

—*Washington Post, Oct. 19, 1979*

The entrepreneurial spirit lives!

■ The 2-to-1 decision [by the Federal Energy Regulatory Commission, the government rate-setting body for natural gas,] gave new life to five years of hope by five gas transmission companies serving 15 million consumers in 30 Eastern and Middle Western states; the companies want to build a $1 billion coal-gasification plant at Beulah, N.D.

The decision today . . . would permit the gas companies to charge all of their customers a "rolled-in," or prorated, share of the construction cost, regardless of whether they received any of the synthetic gas or whether the plant was a technological success.

The ruling would, in effect, guarantee a commercial success in any event—a requirement of the financiers, Citibank, the Morgan Guaranty Trust Company and the Bank of America.

—*New York Times, Oct. 23, 1979*

We get it

■ In a shift of policy, President Carter has decided to seek Congressional approval for the sale of armed reconnaissance planes and helicopter gunships to Morocco for use against guerrillas contesting its control over the Western Sahara. . . .

A high Administration official conceded at a briefing that Morocco probably could not win the Saharan war. In the United States' view, the appearance of American backing would simply make Morocco more willing to negotiate.

—*New York Times, Oct. 23, 1979*

Thanksgiving, army style

■ The Army considered turkey feathers as a biological warfare weapon after tests showed they could be dumped from a plane to contaminate farmland [with cereal rust spores], according to a document made public yesterday. . . .

—*Washington Post, Oct. 9, 1979*

Transitive or intransitive?

■ The American Heritage Dictionary is banned in the high schools at Eldon, Mo., partly because it says the word "bed" may be used as a verb.

—*Washington Post, Sept. 30, 1979*

Federal Trade Confusion

■ General Motors Corp. illegally discriminates against independent body shops in its method of distributing certain repair parts for automobiles, a Federal Trade Commission administrative law judge found yesterday. . . .

General Motors responded . . . by saying that the distribution plan in question . . . "was instituted by General Motors at the request of the staff of the FTC in 1968." Its purpose was to encourage franchised dealers to sell parts to independent body shops.

—*Washington Post, Oct. 4, 1979*

A public servant's job is never done

■ Seventeen politicians from Montgomery, Prince Georges and Fairfax counties and the District of Columbia who are embarking tomorrow on "The European Sludge Management Tour" insist that they are not only performing a valuable service, but doing it grudgingly. . . .

"This isn't a junket," said [Prince Georges County Executive Lawrence] Hogan. "I don't feel bad at all being here. The job (as executive) is all-consuming and it keeps me there at times until 10:30 at night. And I don't get overtime."

—*Washington Post, Sept. 28, 1979*

That'll teach her

■ Two times Donna Rodriguez appeared in court to testify against a suspected prowler who never appeared. Twice more she was ready to appear but was told by court officials she wasn't needed.

The fifth time, the day her Army sergeant husband left for Korea, Rodriguez missed a court date herself and was arrested, fingerprinted, photographed with a number under her chin and saddled with a police record.

She is scheduled to appear before an Anne Arundel [Maryland] County judge again Wednesday, this time to defend herself against a contempt of court citation.

—*Washington Post, Oct. 9, 1979*

You've come a long way, baby

■ Kathy Byrne, Mayor Jane Byrne's daughter, has been hired as a $17,500-a-year staff writer in the Chicago Transit Authority's Public Affairs Department.

—*Washington Post, Oct. 15, 1979*

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The Pentagon's MX racetrack

Win, place, or show in Missileland

IN KEEPING WITH OUR POLICY OF STAY-*ing abreast—and sometimes ahead—of the news, we publish the following excerpt from the 1994 report of the President's Commission on the Causes of World War III. It was provided to us by Dede Feldman, an Albuquerque writer who vouches that it was obtained from a "reliable source."*

American air force generals were not generally noted for their sense of whimsy, but in their final plan for basing the MX missile, they came up with a scheme that would have done Walt Disney proud.

This plan, known as the "hybrid racetrack," was unveiled in the summer of 1979 after several years of controversy over how best to protect 190,000-pound mobile MX missiles from Soviet attack. The air force's preferred basing mode, a plan to shuttle each missile by truck among as many as twenty shelters in a gigantic shell game, was dropped earlier that year when irate Nebraska farmers and the governors of several western states objected to having their land turned into "a great sponge to absorb enemy fire," as one air force official accurately but indelicately described it. The air force then moved to a new plan, a sort of flying grasshopper approach, officially called the Air Mobile System, which involved piggybacking the giant missiles on cargo planes and flying them in and out of an elaborate system of air bases. This plan was politically attractive but expensive (over $40 billion) so the air force scrapped it and turned to another—the "hybrid trench." The hybrid trench seemed to solve all problems. The location of the missiles could be verified through the use of sliding covers over the trenches, and there would be minimal disruption of the surrounding land, after construction was completed. But the western governors didn't go for it, and so the air force came up with the hybrid racetrack.

In this plan, each mobile missile was shuttled along a racetrack among twenty-three protective shelters located on spurs branching out from the main racetrack formation. The racetracks were built on public lands in Nevada and Utah, most of them in isolated valleys in the Central Basin area.

The racetrack road, specially built to bear the weight of the missile's 700,000-pound "transporter-erector-launcher" (TEL), was open to the public. To assure the Russians that there was only one missile in each of the 200 racetracks, each missile was assembled in an area adjacent to the racetrack. In addition, the shelters were equipped with viewing ports that the United States periodically opened to allow Soviet satellite verification.

The Air Force introduced the new racetrack concept in a series of charming promotional announcements on national TV. The announcements, which featured cartoon-like sketches of the average American family camping and picnicking near the racetrack, emphasized that there would be easy public access to all but two and a half acres of land around each cement shelter. Families would even be able to drive their recreational vehicles on the racetrack, the Defense Department said.

This idea of combining recreational and military benefits in the racetrack scheme was so appealing that air force planners were soon stumbling over one another to come up with novel marketing concepts for the new system, both to win public favor and to defray some of the expenses of the $33 billion program. Since many of the racetracks were located in Nevada, the air force soon set up gaming establishments where bettors could wager on the whereabouts of each MX with its ten nuclear warheads. In the best air force tradition, each missile was given a name, and by the end of the eighties millions of Americans were putting down their bets on whether "Moscow's Lucky Lady" really was in shelter number seven that week. And for the more sporting crowd, the air force held monthly events where spectators could watch the TEL "dash" from one shelter to another at the breakneck speed of 30 mph.

The use of MX racetracks as recreational shangri-las had another benefit: It eased the boredom in the lives of the 30,000 workers the air force had brought into the desert to build and operate the new missile system. As the air force's environmental impact statement had predicted in 1978, 75 percent of the new residents lived in "construction camps" consisting largely of recreational vehicles made useless for transportation by the great gasoline drought of the early eighties, and the MX racetracks provided the only antidote to the alcoholism and crime typical of western boom towns.

The new missile system was not without its problems, however. The water supply in the missile areas was critically low by the time the racetracks were completed. Construction of the racetrack system required so much of the scarce ground water that local wells ran dry (as predicted by the air force in 1979) and a major legal furor was created by squabbles over water rights. Plans for botanical gardens and several large aquariums to preserve plants and fish endangered by the mammoth project had to be scaled down considerably.

Other controversies over the MX racetracks in the eighties involved cement and sagebrush.

As early as 1979 the chairman of the Parsons Corporation, one of the largest construction firms in the country, had predicted that the MX project would use up all excess cement capacity in the United States. By the mid-eighties his prediction was born out. Over seven million tons of cement had been used for the system's protective shelters and roadways, and, as predicted by the air force, upwards of five million gallons of liquid asphalt were still needed each year to pave and repave the heavily trafficked racetracks. This intensive use of construction resources brought down upon the MX the wrath of western contractors and of the officials of neighboring states eager to meet housing and other needs in their own energy-boom areas.

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But the controversy over cement was nothing compared to the so-called "sagebrush rebellion" that pitted Nevada officials against the federal government in the early eighties. The MX racetracks—located on Bureau of Land Management land—became the focus of controversy. State officials in Nevada, resentful of the fact that the federal government controlled 83 percent of the land in the state, wanted to annex BLM land, and with it the MX amusement parks. This way, ticket sales and proceeds from MX gambling would go to the state, which would funnel it back to the racetrack communities in the form of "impact assistance" for water, sewage, and education in the financially strapped MX boom towns.

But the air force had other ideas. "Security needs," the generals said, dictated strict federal control over the parks. And to top it off, the air force was just plain frustrated. In the late seventies the men in blue had spent several years and millions of dollars looking for a home for the MX, despite the opposition of farmers, ranchers, environmentalists, and others who did not want to see their lands gutted by tunnels or crisscrossed by giant grids. Without the vast expanses of unpopulated federal land in Nevada, perhaps the MX could not have been deployed at all.

And in the late eighties the air force had a new problem on its hands: Not to be outdone, the Soviet Union embarked on a crash program to build its own racetracks. Alas, this put the generals in the same awkward position they found themselves in earlier—on the road again, in search of land for still more missile racetracks.

DEDE FELDMAN

The Chad Green case

Intruding on the family

WHEN THE PARENTS OF THREE-YEAR-old leukemia victim Chad Green fled the country in order to obtain laetrile treatment, his case made headlines around the world. Even after Chad died, the case stayed in the news as local authorities in Massachusetts insisted on their prerogative to press charges against his parents should they return.

Not only did the principal figures in this incident have to move hastily around the United States and into neighboring Mexico in search of a cure, but the story clearly dramatized the issues of governmental intrusion into family life and freedom of choice in cancer therapy.

Chad's parents, Diana and Gerald Green, lived in the effusively evangelical, but otherwise quiet community of Hastings, Nebraska. When they discovered that their young son had leukemia, they took him to the University of Nebraska Medical Center in Omaha. There he was treated with chemicals that kill all cells undergoing division. Chemotherapy, which is what such treatment is called, attacks both the cancerous cells and those in other parts of the body where frequent cell replacement goes on. Because of the destruction and waste inherent in this treatment, Chad's body was wracked with pain.

After a month of treatments in Omaha the Greens moved to Boston, where Chad continued to undergo chemotherapy for a year and a half. But the tormenting side effects convinced his parents that he should be taken off the treatment.

At this point the medical establishment and its allies in the courts seized control of the situation. A Massachusetts court declared Chad a ward of the state, and chemotherapy was resumed against his parents' wishes.

The Greens then petitioned the court to allow them to give their son vitamins and laetrile—a substance derived from the pits of apricots, peaches, and bitter almonds.

The Greens' attorney said they had a constitutional right to select medical care for their son. But the state government pointed to past instances in which courts had sanctioned intrusion into family life to prescribe a course of medical treatment preferred by the government. This argument proved successful, and the Massachusetts court asserted its authority over Chad by ruling that the way the Greens wanted to restore their child's health was "counterproductive." The judge reaffirmed the state's role as legal guardian, but permitted his parents to retain physical custody of the boy as long as they continued to bring him in for chemotherapy. This decision revealed rather starkly the terrible benevolence of the liberal therapeutic state, for it compelled Chad's parents to helplessly watch their child suffer and ordered them to present him regularly for what the Greens had come to regard as useless torture.

Although a family "flight into Egypt" could have subjected the Greens to kidnapping charges—for traveling with their own son—the Greens left immediately for Mexico. They stressed that what should be at issue was not the efficacy of laetrile but the denial of freedom of choice in the United States. In Tijuana, Chad had chemotherapy, laetrile, and a vegetarian diet, and according to his Mexican doctor, the cancer went into remission.

Again the Greens decided to halt chemotherapy. In addition, according to the child's relatives, Chad was homesick for Massachusetts; the unfamiliar setting of Mexico was sapping his will to live. Chad's parents and grandparents explicitly blame his death on October 12 on the disruption caused by the family exile. His father told the press that doctors at the Mexican clinic had told him that Chad had become depressed because he wanted to go home to Massachusetts. Chad died "because he was not allowed to go home," said Gerald Green with understandable bitterness.

At this point, Chad's grandfather revealed that Massachusetts authorities had told him that they planned to increase the charges against the Greens from civil to criminal contempt. He said, although the government subsequently denied it, that he had been notified that the state would seek commitment of Chad's mother to a mental hospital for one year. Likewise, he asserted, the government would try to send Chad's father to prison for one to two years.

When Presidential aspirant Jerry Brown, campaigning in Massachusetts at the time, learned of this news, he immediately offered the Greens refuge in California and promised not to sign any extradition order for them.

"I think it is an outrage that the medical establishment would attempt to dictate a family choice in this particular instance. It's an instance of the monopoly of healing practices that I intend to change . . . because I believe that the state has limited authority when it comes to parental responsibility," Brown said.

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Brown's straightforward comments and offer of asylum cut to the issue of family choice. He addressed himself directly to the point that government-certified technologists were here usurping control over a fundamental ethical decision. Though the Greens eventually decided to return to Nebraska, and debate still continues about chemotherapy and laetrile, Brown, as someone outside the Green family who recognized the justice of their cause, made an important contribution.

The government has been taking control of children and breaking up the family with increasing speed in the twentieth

century. The combination of compulsory attendance in schools and prohibition of child labor places children in the government's hands during their formative years. Separate juvenile courts demean the moral capacity of young people and combine a supplanting of family discipline with a rejection of youthful responsibility. The indecency of the attacks in the Chad Green case on a desperate and vulnerable family shows that the government is determined to hang onto control of family life. Here we have the epitome of government-knows-best in all its bloated arrogance. ❑

Welcome to America

The psychiatrist as gatekeeper

THE FIRST CONTACT THAT TRAVELERS returning from abroad and tourists entering the United States have with American officialdom is with an agent of the U.S. Immigration and Naturalization Service. In his capacity as guardian of the portals of entry to America, his primary function is to deny admission to the unworthy, particularly those lacking the proper documents. Additionally, under Section 212-A4 of the Immigration Service regulations, agents are charged with protecting our shores from dope fiends, anarchists, and other "psychopathic" personalities.

Exactly what a psychopathic personality is, the regulations do not specify. In effect, the decision of who falls under this category is left to the particular agent on duty. "Psychopaths," as the INS defines them, can presumably run the gamut from someone rushing wildly through an airport armed with an axe to an eccentric guilty of nothing more serious than wearing strange clothes. However, the term seems most commonly to have been used by immigration agents to deny admission to homosexuals.

This summer INS officials on three occasions attempted to bar travelers from entering the country on the grounds that they were homosexual. At San Francisco International Airport last June 14, Karl Hill, a British writer, was stopped by an official who noticed the words "Gay News" emblazoned on his T-shirt. In response to questioning, he admitted to being a practicing homosexual. He was then given the choice of leaving on the next plane or being compelled to submit to a psychiatric examination. He chose the latter, whereupon he was placed in custody until the test could be conducted. About a week later, a German man was denied entrance in Minneapolis when a gay-oriented magazine turned up in his suitcase and he said he was bisexual. On August 3, while the Hill case was being argued in court, inspectors at the San Francisco airport halted and detained two Mexican nationals because their bags contained cosmetics.

One's immediate reaction to these incidents is of course to deplore the pettiness, the invasion of privacy, and hatred of homosexuals that they indicate. The story, however, at first sight appears to have a happy ending. Surgeon General Julius Richmond announced on August 2 that no further physical examinations of suspected homosexuals would be conducted, since they are no longer considered to be suffering from a "mental disease or defect." The order arrived at a propitious moment for Hill and the two Mexicans, who were accordingly released to go about their business.

Although the government's decision to relent in these cases must be welcomed, closer examination reveals that the substance of the problem remains untouched. Richmond removed homosexuality from the list of taboos because the American Psychiatric Association, after heated debate and by a very close vote, had previously excised the condition from its list. Should the government or the psychiatrists have a change of heart, gays would find themselves back in their original predicament. Furthermore, the Surgeon General's démarche leaves entirely untouched the remaining categories of "psychopathic personality." As critics of psychiatric stigmatization like Dr. Thomas Szasz have time and again pointed out, the term is arbitrary; unlike a diagnosis of physical illness, the diagnosis of a psychopathic personality cannot be verified objectively. The government may, under this rubric, expel whomever it wishes. There has thus been no change of principle—merely a tactical retreat.

Even if a noncapricious definition of "psychopathic personality" could be found, a deeper issue would remain. Our immigration policy proceeds upon the assumption that "standards" of political, social, and economic behavior may be used as criteria for prospective entrants to this country, even if failure to meet them is no crime for those already citizens. When tests of mental health are held to be legitimate, probes for lapses in political health may not be far behind. Mexican Trotskyite Hector Marroquin has been denied asylum and now faces deportation for his political beliefs. Such blatant discrimination stands in sharp contrast with the historic free immigration policy of the United States in the nineteenth century. During the enormous immigration of that period, there were no psychiatrists on hand to turn away the mentally unfit. One suspects that we could get along without such professional advice today. ❑

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LETTERS

Letters to the editor should be addressed to INQUIRY Magazine, 1700 Montgomery Street, San Francisco, California 94111. The editors reserve the right to edit letters for length when necessary.

Sugar in the courts

I THOROUGHLY CONCUR WITH Thomas Szasz's views on the Dan White case. I would like to point out some convergences between the arguments used to mitigate White's criminal responsibility and the rationales developed to deny the personal autonomy of devotees of "cults" [Thomas Robbins & Dick Anthony, "Cult-Phobia," Jan. 8 & 22, 1979].

According to Szasz, White's alleged heavy consumption of Coca-Cola and Hostess Twinkies was interpreted by psychiatric witnesses as both reflecting and contributing (via an excess sugar influx to the brain) to a state of unsound mind. Similarly, "Moonies" are allegedly induced by their leaders to consume vast quantities of excessively sugared Kool-Aid, which supposedly disorients them and renders them easier targets for "mind control." This technique has been called "sugarbuzzing."

Of course, after Jonestown it is hard to deny that there are indeed sinister cultist uses of Kool-Aid; nevertheless, I do not think high sugar consumption should either mitigate criminal responsibility or legitimate forcible restraint (as in "deprogramming").

THOMAS ROBBINS
New York, N.Y.

Today's SBA

IT IS, TO SAY THE LEAST, DIS- appointing that only a few accounts of my relationship with the Small Business Administration manage to get the facts straight.

First, my partner and I received a loan *guarantee* from the SBA. Not one dollar of federal money was involved. Indeed, the SBA holds a second trust on a piece of Washington real estate I own as insurance on the guarantee.

Second, it is well documented that the SBA guarantee was actually arranged by a bank in my South Dakota hometown only because the size of the loan exceeded its normal limitations.

Third, while the name "Tom-Tom" is irresistible to most of those writing about this matter, others who bothered to check learned that the name was in place well before we made application for a conventional bank loan.

Fourth, thank you for the salary increase. Would you care to pay the difference between what NBC pays me and the amount you have as my estimated salary?

TOM BROKAW,
NBC News
New York, N.Y.

LEONARD REED replies: I referred to the Brokaw loan as one of thirty-two transactions made by SBA under a program primarily designed for the disadvantaged, which was a correct statement. In fact, however, it makes little difference whether SBA makes a direct low-interest loan or is party to the transaction by guaranteeing the loan; in the latter case, the federal government is just as directly subsidizing the loan by relieving the lending bank of the risk factor and transferring that risk to the taxpayer.

There was surely no intention on my part of suggesting that the name Tom-Tom Communications was invented to pull the wool over SBA's eyes and if that impression was created I am genuinely sorry.

Bombs away

WHY DIDN'T YOU ANSWER Sheldon L. Richman's letter [Sept. 10]? He says that a defense "system that would kill even a few innocent civilians seems contrary to [the American] libertarian heritage." It may seem so but it isn't.

A libertarian analysis of violent encounters, personal or collective, sees a defensive retaliation as justified on grounds of the right to life and its protection, namely, self-defense. The aggressor, of course, can easily jeopardize the lives and welfare of innocents, by trying to use them as shields. Barring wanton slaughter—which by definition isn't defensive and retaliatory—a response to aggression may often involve the killing of the innocent since without such killing the party defending itself would fail to defend itself, period. The culprit, however, is not the defender but the attacker.

None of this should impute simplicity to military strategy, but the moral idea is not so complicated as some might think.

TIBOR R. MACHAN
Santa Barbara, Calif.

We did not reply to the letter in question because we find it hard to defend the nuclear annihilation of innocent civilians. Apparently Mr. Machan has no such compunctions.

Mr. Machan is right about one thing: His argument is "not so complicated as some might think." In fact, it's so uncomplicated that even political leaders and generals thought to use it to justify the strategic bombing, nuclear and conventional, of Hiroshima, Tokyo, Dresden, and the like. They thought they were being patriots; little did they know they were being libertarians, too. —*EDITORS*

Correction

John P. McCarthy, *whose review of* The Streets Were Paved With Gold, *by Ken Auletta, appeared in the October 29 issue, should have been identified as a professor of history at Fordham University and author of* Hilaire Belloc: Edwardian Radical.

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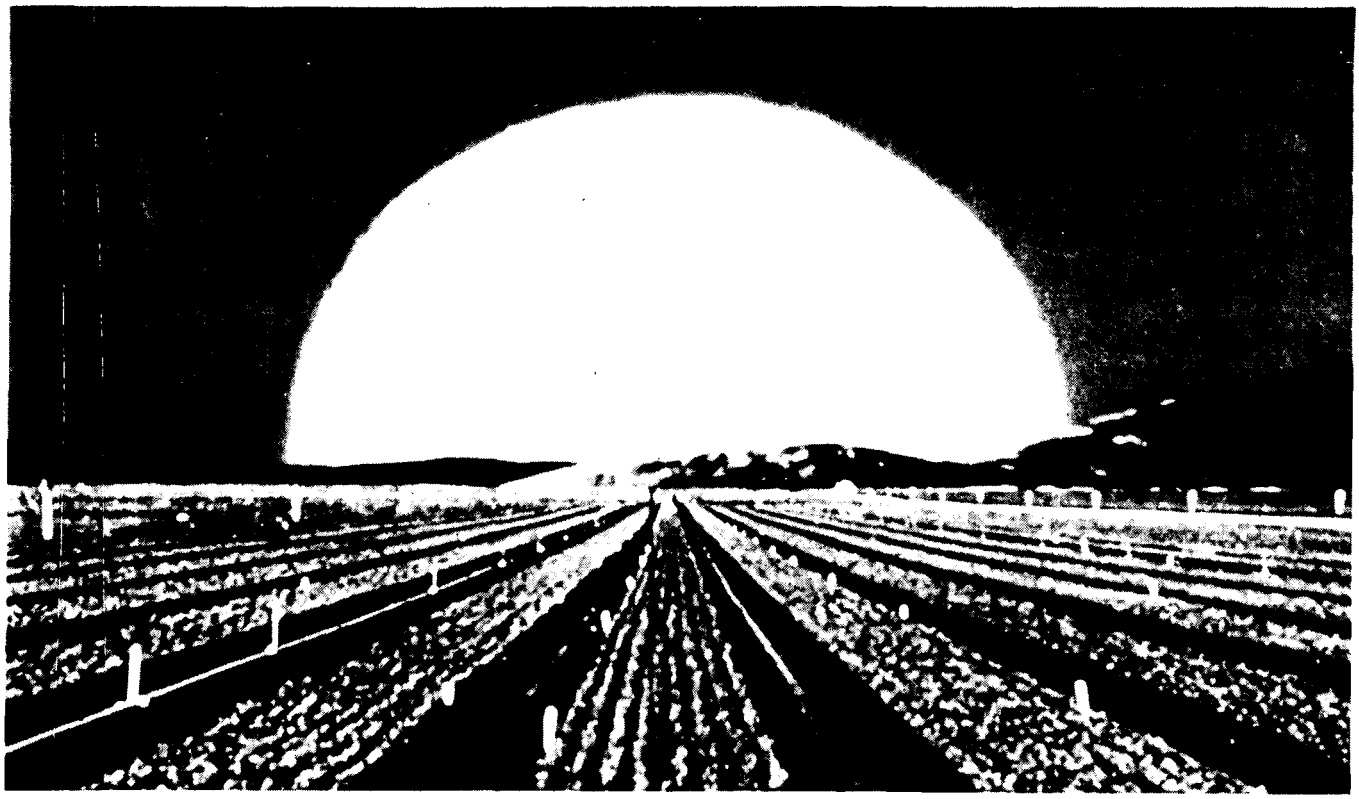

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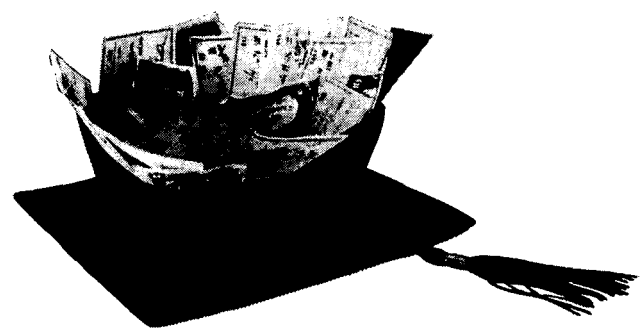

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PHIL STANFORD

A tale of two bureaucrats

THIS IS A STORY ABOUT two high-ranking government officials. It has action, suspense, and for those of you who think that this column is occasionally too cynical, it even has a moral.

The name of the first official is Robert W. Komer. Komer first came to public attention in March of 1966, when Lyndon Johnson made him his special assistant in charge of pacification in Vietnam. He had caught Johnson's eye while serving as a member of McGeorge Bundy's White House staff for national-security affairs. Before that he had worked as an analyst for the CIA. Bright, enthusiastic, tough—just the sort of hearty intellectual you would expect to find at this particular place and time—Komer seemed perfect. As pacification chief Komer was responsible for what was at the time called the "other war." This was, of course, the nonmilitary campaign to bring about the economic and social rehabilitation of South Vietnam, to win—how can we forget?—the hearts and minds of the Vietnamese people. Obviously, this was a tall order, but already in September of 1966, barely six months after his appointment, Komer was doing a bang-up job.

In an 18,000-word report made public that month, Komer described the situation in Vietnam with what might be called cautious optimism. Although, as he said, he "would not overstate the program to date," it was nevertheless true that the South Vietnamese government, with the assistance of the United States, was making progress on the inflation front; the import program was also being revised to eliminate corruption. Moreover, the number of "secure" hamlets—those under the control of the South Vietnamese government—had risen from 3199 to 4054. This meant that 55 percent of the population was living in areas under government control. In addition, reported Komer, there had been considerable progress in constructing schools, training teachers, and delivering medical care to the Vietnamese.

Komer made another progress report in February of 1967. As of the first of that year, 77 percent of the main roads in South Vietnam were open during the daytime, up from 62 percent the previous June. "The outcome," said Komer, "is no longer in doubt." LBJ was so pleased with Komer's accomplishments that he named him acting ambassador.

In December Komer had more good news. The number of secure hamlets had risen to 5188, comprising two-thirds of the population of South Vietnam. Naturally, the administration presented these statistics as additional proof that steady progress was being made in the war. When this conclusion was challenged in Washington, a reporter for the *New York Times* sought out Komer in Saigon for an explanation.

The figures were arrived at, Komer said, through a system he had devised called the Hamlet Evaluation System. Under that system, each of the 12,600 hamlets in South Vietnam was given one of six letter grades, ranging from A (under complete government control) to V (under complete Vietcong control) according to its composite score on eighteen criteria. The criteria ranged from military security to social services. For example, said Komer, a mortar attack against a hamlet would cause the hamlet to lose points, while the arrival of a new teacher would raise its score. The ratings were determined by the answers to questionnaires filed from the hamlets by pacification teams. The Hamlet Evaluation System, said Komer, is "better than anything we've had before."

In early January 1968, Komer's pacification office reported that the percentage of the population under government control had risen to 67.3. Only 16.3 percent remained under the control of the Vietcong.

Within the month the Vietcong launched the Tet offensive. Under the circumstances, a less enthusiastic man might have become disheartened. However, by April Komer was able to report that despite certain undeniable setbacks, the pacification of Vietnam was back on track. "We are definitely on a recovery curve," he said.

In November, just as he was leaving Vietnam to become ambassador to Turkey, Komer issued his final report as pacification chief. Sixty-eight percent of the population of South Vietnam was now "secure"—the highest score yet. To this day, Komer maintains that pacification was a success.

WE SHOULD NOT, HOWever, think of Robert Komer merely as a comic character. Just as pacification in Vietnam meant more than building new schools for the villagers, Komer was more than an intellectual playing games with meaningless statistics. As congressional testimony taken after Komer had departed Vietnam was to show, Komer was also the originator of the Phoenix program under which thousands of South Vietnamese village officials were kidnapped, tortured, and killed. The purpose of Phoenix, to use the official phrase, was to "neutralize the Vietcong infrastructure." There was more than one way to ensure the security of a hamlet.

In February of 1970, Komer's successor as head of the pacification effort in Vietnam, William E. Colby, told the Senate Foreign Relations Committee that during the previous year 6187 people had been killed under Phoenix. In 1971, the Saigon government claimed that the total had risen past 41,000. No figures are available on the killings that occurred during the time Komer headed the program (begun in July 1967 under the name ICEX, which stands for Intelligence Coordination and Exploitation), but that is a technicality at this point. Komer would hardly want to disavow the later accomplishments. To the end, Phoenix pursued the objectives he had set. As the *New York Times* reported in an article about the time of the congressional hearings, "It was Mr. Komer's view that a military victory, which was still an objective in those days, would be meaningless, even if attainable, unless the Vietcong's political structure could be destroyed." Sometimes deracinated logic ends in farce, sometimes in terror.

And sometimes it leads to promotions.

After sitting out the Republican interregnum at the RAND institute, Komer was summoned back to public service by

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the new secretary of defense, Harold Brown. For the past two years Komer has been the secretary's special adviser on NATO affairs, in which capacity he enthusiastically supports the current administration's line that because of this country's recent preoccupation with Vietnam we have sadly neglected the defense of western Europe, and that we must therefore greatly increase our expenditures on NATO forces.

Last month, in recognition of the great job he has been doing, President Carter nominated Komer to be under secretary of defense for policy.

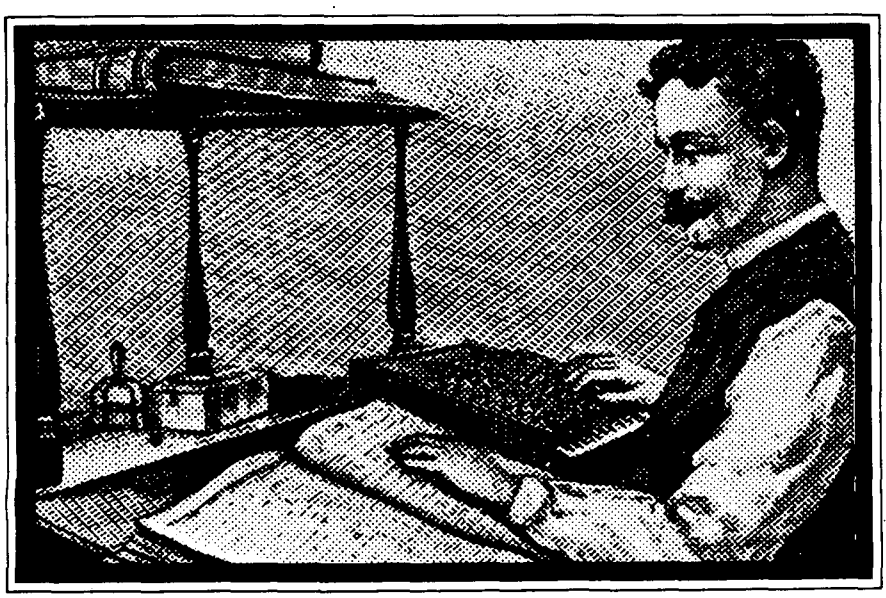
THE SECOND STORY IS about another Pentagon official by the name of Ernest Fitzgerald. As you will probably recall, Fitzgerald is the civilian air-force employee who in 1968 informed Senator Proxmire's Joint Economic Committee about the $2 billion cost overrun on the C-5A transport plane. For almost three years the air force had been hiding the problem from Congress. For his pains, Fitzgerald was reprimanded by the then secretary of the air force, Harold Brown, stripped of his assignments, and then in 1970, fired. (The official explanation was that his position—deputy for management systems—had been abolished.) In 1973, the Civil Service Commission ordered the air force to rehire Fitzgerald. The air force complied, but gave Fitzgerald an assignment that did not permit him to work at his specialty as a cost analyst for major weapons programs. Fitzgerald is currently suing former President Nixon and two of Nixon's aides, Bryce Harlow and Alexander Butterfield, for $3.5 million in damages.

For Fitzgerald, the 1976 Presidential campaign of Jimmy Carter offered some hope. In a number of his speeches, Carter actually referred to the Fitzgerald case by name, using it as an example of the need for more openness in government. As Carter told an audience in Alexandria, Virginia, on October 23, 1976, "I intend to seek strong legislation to protect our federal employees from harassment and dismissal if they find out and report waste or dishonesty by their superiors or others. The Fitzgerald case, where a dedicated public servant was fired from the Defense Department for reporting cost overruns, must never be repeated."

In an open hearing in February 1977 Senator Proxmire asked the newly appointed secretary of defense, Harold Brown, whether he would take action on behalf of Fitzgerald; Brown said he would. Nearly three years later, Fitzgerald has still not heard from Brown. He sits in a bare Pentagon office, with little to do except keep track of his various court actions. His civil suit against Nixon is scheduled for trial next June. Nixon and his aides are being defended in the case by lawyers from Jimmy Carter's Justice Department.

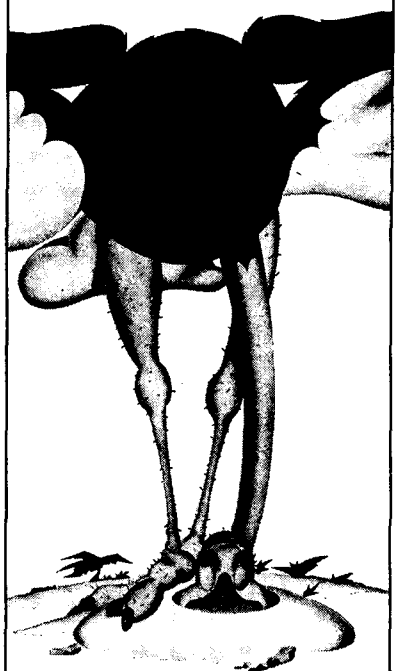
The C-5A has been built. Unhappily, as Fitzgerald warned, it was a bit expensive. Instead of $3.4 billion for 120 planes, as the air force originally planned, the bill came to $5 billion for 81 planes—more than twice as much per plane. And now it seems there is a slight problem with the wings. They are falling off, and depending on whom you talk to, it will cost anywhere from $1.2 billion to $2 billion to fix them.

Obviously, the moral of this story is that this would never have happened if Komer had been at work on the C-5A.



Cancer is often curable.

The fear of cancer is often fatal.



If you're afraid of cancer...you're not alone. But some people are so afraid that they won't go to the doctor when they suspect something's wrong.

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CORPORATE STATE

BRUCE BARTLETT

Who's fueling whom?

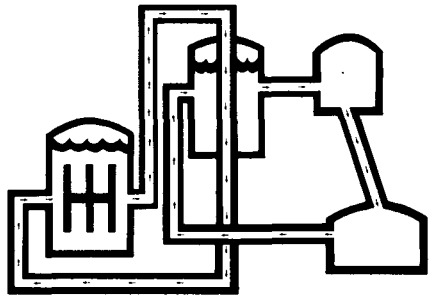
THE BELIEF THAT NUCLEAR power is cheap has long been the main force behind the drive to build nuclear power plants. Although heavy capital investments have always been necessary for construction of such plants, based on the cost per kilowatt-hour, electricity generated from nuclear power has been very inexpensive. As recently as 1977, for example, the Edison Electric Institute estimated that it cost an average of 1.5 cents to generate one kilowatt-hour of electricity at the nation's nuclear power plants, compared to 2 cents per kilowatt-hour for coal-generated electricity and 3.9 cents for oil-generated electricity. (These figures cover the cost of the electricity only up to the point that it leaves the power plant.) But these cost comparisons may well be invalid because of the implicit and explicit government subsidies to the nuclear industry. Unfortunately, until recently no one had calculated the cost and scope of such subsidies.

A recent study by Barry Weingast, who teaches economics at Washington University in St. Louis, notes that "the atomic power industry owes its existence to the creation of the Atomic Energy Commission (AEC) in 1946 and to Congressional subsidies that were doled out by the AEC until 1974."

These congressional subsidies have taken various forms over the years. In the beginning Congress appropriated the funds necessary for research and development. After passage of the 1954 Atomic Energy Act the hope was that a private nuclear power industry would soon develop. This did not happen, however, because the risk of costly catastrophe inhibited firms from undertaking nuclear power projects. The congressional response was passage of the Price-Anderson Act, which limited total liability for any nuclear accident to $560 million, $500 million to come from federal tax money. If total damages exceed the ceiling the compensation is allocated on a proportional basis. This measure aided private firms by transferring to the public most of the costs associated with the risk. With the passage of the Price-Anderson Act, nuclear power was on the march, and the first civilian nuclear power plant was opened in 1957 in Shippingport, Pennsylvania.

By the early 1960s a new problem began to develop in the uranium mining industry. Until then the AEC had kept it going with purchases for the weapons program and research and development projects, but by that time the AEC had stockpiled more than enough material for its programs and its demand for uranium dropped. Most nuclear power plants did not come on line until the late 1960s, so the private demand for uranium was still light. This left the uranium suppliers in a serious financial bind. Congress responded by passing the Private Ownership of Special Nuclear Materials Act of 1964. It was designed to tide the mining industry over this period by limiting foreign competition through restrictions on imports and by purchasing materials years before they would be needed for power development.

"Even as late as 1970," Weingast points out, "producer protection seemed to characterize the pattern of Congressional intervention." He notes that in the late 1960s power pooling among the various producers in a given locale was a controversial issue. Small municipal power companies were concerned because their markets were too small to justify nuclear power plants economically, yet they wished to share in the benefits of this new technology. Congress resolved the issue in the 1970 Amendments to the 1954 Atomic Energy Act by requiring an "antitrust" review for each new nuclear facility. The solution in all cases was to form power pools. An analysis of these pools cited by Weingast has shown that they are actually local cartels that share the rents of nuclear facilities among all the local suppliers. "In this respect," according to Weingast, "the action parallels the 1935 legislation which brought the trucking industry under the jurisdiction of the Interstate Commerce Commission (i.e., into the cartel)."



IN THE 1970S, BY CONtrast, Congress has been reluctant to continue to intervene in the economy on behalf of nuclear power. As a result, the cost gap between nuclear power and other kinds of power has rapidly closed.

At the same time, increased government regulation is a major factor in the shrinking cost advantage of nuclear power. Although public safety was the basis for much intervention, many new provisions contributed little to safety and much to the cost of electricity. For example, utilities are required to submit reports to the Nuclear Regulatory Commission summarizing malfunctions in a vast array of reactor components and systems. Unfortunately, according to senior NRC scientist R. A. Brightsen, the NRC has no effective procedure for identifying which malfunctions are really important in terms of public health or safety. Moreover, the NRC requires that a vast amount of data be displayed in the control rooms of operating nuclear power plants—yet it has no clear idea of what information really enhances reactor safety.

According to a study released by the House Committee on Government Operations issued in April, 1978:

"Contrary to widespread belief, nuclear power is no longer a cheap energy source. In fact, when the still unknown costs of radioactive waste and spent nuclear fuel management, decommissioning and perpetual care are finally included in the rate base, nuclear power may prove to be much more expensive than conventional energy sources such as coal, and may well not be economically competitive with safe, renewable energy alternatives such as solar power."

The report goes on to point out that nuclear power is the only energy technology that has a major capitalization cost at the beginning and the end of its useful life. The "back-end" costs associated with waste management and decommissioning of nuclear power plants have yet to be determined, but are estimated to be very high. Nevertheless,

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these costs are not reflected in the rate base for nuclear power. This has led many critics to believe that utilities ultimately intend to pass these costs on to the taxpayer. As Maurice Van Nostrand, former chairman of the Iowa State Commerce Commission, has said:

"I find totally distasteful even the possibility that some of those [waste disposal and decommissioning] costs are not being paid currently and that Iowans sometime in the future are going to be forced to pay not only the costs of the electricity they use but some carryover costs from some electricity consumed long ago. In the present situation, I think that is exactly what we're locking in for future taxpayers."

The costs associated with permanent disposal of radioactive waste generated by the nation's nuclear power industry are as yet unknown. The Department of Energy estimates them to be fairly small, approximately 0.1 cents per kilowatt-hour. The following schedule shows all the costs DOE believes will need to be recovered from this charge:

FACILITY OR SERVICE	COSTS TO BE RECOVERED* (millions)
Away from reactor storage	$ 275
Transportation to repository	100
Encapsulation facility	1325
Geological repository	2141
Research and development	560
Government overhead	234
Total	$4635

*1978 dollars

To this must be added the cost of decommissioning a nuclear plant at the end of its useful life. A study by the Battelle Memorial Institute's Pacific Northwest Laboratory put this cost at between $42.1 million and $50.2 million for a 1175-megawatt power plant. Commonwealth Edison, the nation's largest generator of nuclear power, puts these costs at 0.02 cents per kilowatt-hour.

*OTHER ESTIMATES, HOW-*ever, put the back-end costs of nuclear power much higher. The New York state attorney general's office, for example, put the total back-end cost at between 0.18 and 0.75 cents per kilowatt-hour, and for decommissioning alone, 0.13 to 0.58 cents per kilowatt-hour. Van Nostrand, in Iowa, put the costs at two to three times DOE's estimate. Costs of decommissioning the West Valley nuclear reprocessing plant in western New York may run as high as $1 billion, so all these estimates may be on the low side.

Obviously, these back-end costs cannot yet be considered burdens on the taxpayer since they have not yet occurred. But because such costs may be far beyond the means of the nuclear industry, they could easily end up being paid for by the taxpayer, as Van Nostrand fears. At the West Valley plant, for example, which was operated privately, when the cleanup cost started running into the hundreds of millions of dollars the New York state government and the federal government were inevitably drawn in. Thus one might say that the current charges for nuclear power are understated because they do not allow for back-end costs, and that this is an implicit government subsidy to nuclear power.

Recently, efforts were made to calculate the overall government subsidy to nuclear power. Leaving out nonquantifiable subsidies such as the Price-Anderson Act, the Battelle report found that the federal government had expended $18.0 billion between 1947 and 1977 in promoting nuclear power. (This represented only 15.8 percent of all the funds expended for promoting energy development, including hydroelectric, coal, petroleum, and so forth.)

The General Accounting Office, at the request of Senator John Melcher of Montana, attempted to calculate this subsidy on a per year, per kilowatt-hour basis. The GAO concluded that the subsidy may amount to as much as 0.62 cents per kilowatt-hour. The following table that appeared in the *Congressional Record* (June 18, 1979; pp. S 7863-6) shows this estimated subsidy:

FISCAL YEAR	1976[2]	1977	1978
Research & Development[1]	936	989	1196
Enrichment	120	180	220
Regulation	221	213	240
Total	$1277	$1382	$1656
	(Dollar amounts in millions)		
Billion kilowatt-hours generated	228	243	265
Cents per kilowatt-hour	0.51	0.57	0.62

1. Includes $31.2 million for uranium resource assessment . . .
2. Includes the three-month transition quarter.

Presumably, the 0.62-cent subsidy calculated by the GAO should be added to the estimated average cost for electricity generated by nuclear power plants, raising the cost per kilowatt-hour to 2.12 cents, or more than the cost for coal-generated electricity. Thus the subsidy represents 30 percent of the true cost of nuclear-generated electricity.

Although the data presented here are incomplete, it is clear that the federal government has conferred economic benefits on the nuclear power industry that reduce the cost of nuclear-generated electricity below its real cost. However, to make a fair comparison between nuclear power and other kinds of power it would be necessary to calculate the government subsidies to all kinds of power. The Battelle study, for example, found that between 1950 and 1977, direct government subsidies to hydroelectric power amounted to $13.53 billion, $5.68 billion for coal, $50.9 billion for oil, $0.46 billion for gas, and $25.21 billion for electricity.

New federal safety rules add more to the total costs than to the safety of nuclear power.

Those who defend nuclear power, like Petr Beckmann of the University of Colorado and Samuel McCracken of Boston University, unfortunately tend to gloss over the subsidy question. Beckmann, for example, has written, "Yes, the American taxpayer has paid $1 billion to research nuclear safety, and I consider that a good investment; the American taxpayer also pays $1 billion, not total, but year after year, to Black Lung victims." This is rather like saying, "Everyone else does it, why shouldn't I?"

A consistent position toward nuclear power would eliminate all subsidies, implicit and explicit, for nuclear power and all other types of energy as well. Each utility should bear the full costs associated with the form of power generation it adopts, and the market will decide which form is best. We may find some surprises when we unmask the costs of various fuels, including perhaps the discovery that the total cost of electricity is much higher than what consumers pay for it now. Under these circumstances, many so-called alternative energy sources may prove more cost-effective than previously believed, and many people may discover that they are using large amounts of electricity that they can really do without.

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DISPATCH

RALPH HORWITZ

The roots of apartheid

WHEN PRIME MINISTER Pieter Botha of the Republic of South Africa tells a regional congress of his governing National party in its diehard Transvaal heartland that black Africans are to be given trade union rights, and the very next day tells another regional party congress in the "liberal" Cape province that his apartheid government is ready to consider suggestions for changes in laws that ban marriage and sexual intercourse between whites and blacks, something unusual is going on.

Perhaps the pressures on politics are the pressures of business. One of the world's biggest hotel and shopping complexes, the Carlton Centre in Johannesburg, now has a multiracial restaurant, and a recent president of the Johannesburg chamber of commerce has recently echoed the major business leaders who over the years have vainly urged the South African government to end all forms of racial discrimination.

These encouraging—though still quite inadequate—developments stand in marked contrast to the trend of government policy since 1948. Over the last 30-odd years, the Afrikaners' segregationist politics have thwarted the integrationist economics of entrepreneurial capitalism.

The well-known sociologist Pierre L. van den Berghe once stated that "no other state has devoted as large a proportion of its energies and resources in imposing racial segregation as South Africa has done since 1948." After the death of Stephen Biko, Black Consciousness leader, under suspicious circumstances, the demonstrations that occurred made it clear that blacks have become increasingly unwilling to accept their inferior status. The conflict between rapidly intensifying black nationalism and Afrikaner domination cannot be understood unless it is viewed historically.

Two centuries of denial of human dignity to blacks in South Africa have probably brought that country now to the point of inevitable explosion. South Africa emerged only very recently from a self-subsistence, non-exchange economy, and the current racial crisis stems from steps taken during the course of its economic development. In 1652 the Dutch East India Company ordered its "servant" Governor Jan van Riebeeck to develop no more than a fort and fresh vegetable garden at the Cape, and for two hundred years there was little capital accumulation or growth of domestic commerce or industry.

Until the mid-nineteenth century, land and labor were the only meaningful factors of production. Apart from a small region near Cape Town where Huguenot immigrants specialized in grapes and wine, the raising of cattle was the dominant economic pursuit. There was little cultivation of farms and a cash economy evolved very slowly. The only change was the spread of this stagnant way of life as it was carried further and further into the hinterland by migrant stockfarmers or "trekkers."

White-black contacts were limited to cattle wars. While the craftsmanship of Malay slaves and their Cape Coloured descendants provided modest amenities for white households, neither technology nor industry gave any sort of boost to production.

Two events in South African history may legitimately be described as epochal. The first was the Great Trek of Afrikaner frontiersmen from the Eastern Cape into the hinterland in 1836; this became the basis of the *volk* mythology of Afrikanerdom.

In those days, both Afrikaner pastoralists and African tribesmen, in their never-ending pursuit of more and more territory, were driven into lands of less and less productivity. Subsistence for humans depended on sustenance for cattle. Nomadic cattle-raising was the dominant way of life for both Afrikaner and African.

Although the territorial vastness of South Africa made land plentiful in principle, in fact land was scarce because no exchange economy of income-generating specialization had developed. Cattle-raiding and counterraiding generated continuous conflict, escalating into the "kaffir wars," and the scattered Afrikaner communities withdrew into their lonely laagers encircled by ox-wagons to face the African assagai.

Meanwhile, an interfering British Colonial Office thousands of miles away was attempting to support human rights. It began by freeing the slaves (nonwhites, most of them non-Africans) owned by the white Afrikaners. In addition, influenced by human rights fervor in the British upper classes and the missionary zeal found in nonconformist religious circles, it decided that in South Africa there should be no color bar to the right to vote. Not surprisingly, this aroused outrage in the trekker republics of the Afrikaners, whose constitutions specifically prohibited "mixing in Church and State" between whites and nonwhites.

The second epochal event was the discovery of diamonds and gold under the Afrikaners' beloved veldt. The Afrikaners fought their "Freedom War," as they call the Anglo-Boer war, shortly after the diamond jubilee of Queen Victoria's British Empire. They fought against the *uitlanders*, the foreign capitalists whom they saw as exploiting and transforming their societies in pursuit of profits with total disregard for the proper Calvinist "ordering" of white-black life.

The mineral discoveries led to capital investment and immigration that overwhelmed the social systems of African tribalism and Afrikaner pastoralism. Migrant tribesmen could no longer support themselves on eroded cattleland; barred from further territorial expansion by the political power of the white man's government, they went to work for wages. Heretofore self-sufficient Afrikaner pastoralists became "poor whites," temporarily lost and adrift in an alien cash economy. In 1920, a Carnegie Commission study classified one-third of the Afrikaners as "poor whites" of this sort.

THE CULTURE OF AFRICAN tribalism virtually collapsed as blacks entered industrial and urban life. By the end of the Second World War, an unfettered, dynamic economy had virtually eliminated poor-white status among the Afrikaners. They had not yet themselves become entrepreneurial capitalists on a significant scale, but they were better off and more accustomed to city life, and they decided to create apartheid to prevent a similar rise by blacks.

Now, apartheid is both a coinage and

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a process. As a coinage it is nothing more than a fancy name for a continuation of the policy of Governor van Riebeeck in 1652 forbidding any contact between his ship's company of servant-cultivators and the nomadic food-gatherers on the beaches—who were of uncertain but definitely nonwhite origin. As a process it is the continuation of trusteeship and segregation, but now pursued messianically by the leaders and institutions of Afrikanerdom.

The inflation of the 1920s that followed on the manpower demands of the First World War threatened not merely the profitability but the very existence of the gold-mining industry as the "gigantic flywheel" of South African society. Rising costs and a fixed gold price threatened to close many of the mines. The Chamber of Mines responded by inviting African miners to do jobs that white miners had previously defended —by syndicalist violence unsurpassed in even the stormiest days of American mining—as exclusively theirs. In the early 1920s the chamber went further and completely abandoned its tacit acceptance of working practices that had precluded any activity in the mines by 300,000 Africans unless directly supervised by whites—who numbered 30,000.

The Chamber of Mines won the subsequent Rand strike of 1922, and in the months that followed black miners contributed a new productivity that salvaged the mines financially. The chamber lost the larger war, however, when a coalition of the National party of the Afrikaners and the Labour party of the English-speaking trade unionists defeated General Jan Smuts in the 1924 general election.

Smuts spoke of the government acting in "trusteeship" for the blacks, and his party maintained nonracial voting arrangements in Natal and the Cape Colony. In contrast, after the Act of Union of 1910, the Afrikaners had again disenfranchised the nonwhites in the Transvaal and Orange Free State, and the new "pact" or coalition prime minister General J. B. M. Hertzog, who took office in 1924, converted trusteeship into segregation. In 1912 he had walked out of the South African cabinet of unification to launch Afrikanerdom's National party, and dedicated himself to fully disenfranchising the nonwhites.

Hertzog's English-speaking minister of labor, with white trade-unionist backing, initiated an unending stream of legislation and administrative measures to ensure that no black man could ever secure any job claimed by a white man. The twistings and turnings of the legislation are probably unparalleled in the history of industrial law. The flavor of the attitudes behind the measures is probably best reflected in the infamous ministerial circular on South African labor: "Civilized labour is the labour rendered by persons whose standard of living conforms to the standard of living generally recognized as tolerable from the usual European standpoint. Uncivilized labour is so regarded as the labour rendered by persons whose aim is restricted to the bare requirements of the necessities of life as understood among barbarous and undeveloped peoples."

At about the same time the Stallard Commission proclaimed its equally infamous conclusion on urban Africans: "The Native should only be allowed to enter urban areas, which are essentially the White man's creation, when he is willing to enter and to minister to the needs of the White man, and should depart therefrom when he ceases so to minister."

Along with regulating the labor market came controls over the movement of nonwhite, especially of African people, beginning with the Native (Urban Areas) Act No. 21 of 1923. Though most white South Africans would regard such a statement as merely "Marxist propaganda," it is literally accurate that *not a single African has a legal right to choose for whom he works, what he works at, or where he works* in the whole of South Africa—that is, a right not subject to bureaucratic rulings.

In addition, in the period between the world wars, Prime Minister Hertzog began the long march of Afrikanerdom to eliminate the last vestiges of enfranchisement of nonwhites: Africans, Coloureds, and Asiatics. His 1936 legislation removed from the common electoral roll those Africans whose qualified voting rights in the Cape Colony and Natal had been entrenched as part of the compact of the Union of 1910. (Their inclusion on the roll had resulted from human-rights pressures by the British Colonial Office in the mid-nineteenth century). As quid pro quo, the Hertzog government promised, in exchange for this loss of voting rights, to clarify the confused status of Africans' territorial rights.

In 1912, as one of the first enactments of the Union Parliament, the African peoples had been prohibited from buying and selling land on the open market and were allocated only 13 percent of South African land although they con-

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stituted 70 percent of the country's population. These restraints were imposed because land sales on the open market had been increasing the Africans' share of land ownership. The 1936 law was ostensibly designed to correct the admitted injustices of 1912, but the "solemn promises" made in 1936 on the white man's "honor" remain unfulfilled in 1979.

WITH THE RETURN TO power in 1948 of the Afrikaner National party, which had been excluded from the government for its pronounced pro-Axis sympathies, segregation became apartheid. The party triumphed by using the irresistible emotive technique of *Swart Gevaar* (Black Peril) campaigning, which had been first deployed as a slogan in the crucial 1924 election.

The Afrikanerization of the polity was the aim of the Afrikaners' postbellum but strictly law-abiding Ku Klux Klan—the Broederbond, or band of brothers. The sophisticated Broederbond never indulged in the crudities of witch-hunting except when it came to those fellow Afrikaners who refused to give obeisance to Christian Afrikaner nationalism or disapproved of secret societies in public life.

Sworn by secret, sacred oath to promote each other in every important institution, the Broeders eventually monopolized the corridors of power in South Africa—from cabinet to church, from civil service to education, from judiciary to defense force and police, from nationalized railways to energy and steel, from state regulatory boards to state finance corporations, and, most importantly, in the state monopoly of radio and television and in the party press. Leadership of the Afrikaner *volk* came in particular from Prime Minister Hendrik Verwoerd, Broeder, ideologist, and master-builder of apartheid.

The Afrikaners' efforts to eliminate the Africans from public life have completely succeeded. In the 1977 South African general parliamentary election the National party gained its massive majority of seats from an exclusively white electorate. Not a single nonwhite—African, Coloured, or Asiatic (more than 80 percent of the population)—had a vote or a voice. Every vestige of nonwhite franchise had been eliminated nearly twenty years ago, the culmination of nearly a half-century of maneuver and manipulation ranging from the barely legitimate to the outrageously fraudulent.

From 1948 on, the white man's government not only gradually withdrew the vote from every nonwhite, but enacted the most extraordinary pattern of legislation and administrative affronts. Every facet of human interaction from marriage to extramarital affairs, from bus journey to elevator ride, from parkbench to bridge-crossing, from classroom to home ownership was regulated, and racial "mixing" proscribed.

Not a single African has a legal right to choose his terms of employment in South Africa today.

In Southern Africa, Africans, attracted by intensive capital investment, proved extraordinarily mobile, journeying hundreds of miles for wage-earning employment. They proceeded to develop the work capacities and consumer tastes befitting capital-induced development. Afrikanerdom reacted sharply against this wave of "black Englishmen" who were seen as the inevitable consequence of the industrialization pursued by those profit-seeking foreign capitalists, the "Hoggenheimers" of cartoonists and editorial-writers in Afrikanerdom's political press. The unholy alliance of African labor and foreign capital "to bury Afrikanerdom" could be defeated only by the crusade of apartheid.

But none of the Afrikaners really wished to deprive themselves of the labor of the Africans. Indeed the necessary relationship of capital and labor is such that no one can hold back the incoming tides of black laborers. In response, however, the Afrikaner regime has attempted to create a planned economy and an authoritarian society. In spite of propagandist references by the Republic of South Africa to its "free enterprise economy," the economy is in fact *dirigiste*, planned and regulated by an enveloping bureaucracy that increasingly resembles that of Eastern Europe.

Apartheid has as its raison d'être the physical and social containment of South Africa's black peoples. It necessarily imposes centralist direction and controls on capital deployment and investment decisions since these lead to nonwhite mobility.

Despite the strident fervor of the South African government's anti-Marxism, the techniques of controlling the mobility of its African subjects by a legislative-administrative labyrinth are copybook replicas of the Stalinist practices of internal passports, deprivation of housing and residence, and then exile to Siberia. Inevitably the bureaucratic powers extend to direction and control of capital and thus make a mockery of free enterprise. Nonetheless, here too winds of change may be blowing. Finance Minister Owen Horwood is certainly no Marxist, and with gold bumping $400 an ounce he is becoming an increasingly skeptical Keynesian. Yet he is pressing hard for deregulation of business, conscious that should blacks ever secure power, they would have a ready-made étatist economy to administer—simply substituting black interests for white interests.

In 1955 the blunt, utterly unbending Prime Minister J. G. Strijdom disdained subterfuge and said to his Parliament: "Call it paramountcy, *baasskap* or what you will, it is still domination. I am being as blunt as I can. I am making no excuses. Either the White man dominates or the Black man takes over." But now apartheid is undergoing its most recent semantic laundering. Botha repudiates "insults" as an instrument of policy. In place of apartheid, the world and South Africa's nonwhites are being offered "parallel democracies": separate "parliaments" for the Cape Coloured and Asiatic millions and "Bantustans" for tribal African "nations." This is Afrikanerdom's new version of *realpolitik* to stave off the unitary state of nonracial, universally enfranchised citizenship that economic realities demand.

Will the slow economic progress of the country's Africans, accompanied by the growth in trading importance of the nations of Black Africa, be sufficient to topple apartheid? Or has the legacy of repression made race war unavoidable? Considering the armed might of the South African government, a resort by the blacks to warfare would certainly be bloody, and probably in vain. In the meantime, we can expect that the normal course of commerce will continue to gnaw away at apartheid, and perhaps, just perhaps, bring it down. ❑

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LAND WAR IN LEWIS COUNTY

The feds want to flood out West Virginia farmers, but these mountain folk are spitting in the eyes of the bureaucrats and keeping their muskets clean.

By KARL HESS

IT'S MORE THAN A SIMPLE SIGN. THERE'S A master sergeant's overcoat hung, like a scarecrow, on a cross frame. Above it there's a toy submachine gun. Then the sign. It says: "I served in World War II To Help Save Our Country. Now We Have to Fight to Keep the Government from Taking OUR HOMES."

Along the same road there are other signs. All are crude. All are about the same thing. The government is trying to evict people, take their homes, destroy a community. The signs are worded angrily, in sharp contrast to the gentle, rolling landscape.

In the seventh of their twenty-seven indictments of the British king, the signers of the Declaration of Independence charged that the king had "endevoured to prevent the Population of these states" and that he had made more difficult "the Conditions of new Appropriations of Lands."

Since then, the legal successor to the British king, the federal government, has declared its outright ownership of 897 million acres of American land, almost exactly one-third of the land mass of the republic. This can and does prevent members of the public, in whose name the lands are claimed, from populating these lands. The one provision that eased conditions for the appropriation of these lands by citizens, the Homestead Act, has been phased out of existence. Conditions for the use of this one-third of a nation are tightly held by the federal government and range from timber and grazing leases to oil and mineral extraction rights and to concessions in a vast complex of public—that is, state—recreation areas that are open only at certain times and under certain conditions to the public.

When desired, for purposes ranging from transportation to flood control and from landscape preservation to the building of any sort of federal project, more land can be and is acquired by the inexorable legal process of condemnation: The "eminent domain" of the state, going to court as "the public," is certified to be greater than the interests of the citizens whose property is taken.

Someone has painted blood-red Xs on the houses of people who have sold out to the government. The survey markers that designate land condemned and purchased by the government are routinely uprooted. Government surveyors complain about hostile natives—the people who have always lived here.

Of all the agencies that do the job of taking land away from citizens and delivering it into the federal inventory, none has become more famed for its scope, energy, and devotion to duty than the Corps of Engineers (Civil) of the United States Army. Under its Civil Works Program—an oddity authorized in 1824, when such matters as river dredging, canals, even flooding, were felt to have clear military implications—the corps

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can invade, condemn, and take land for the government.

In this year's federal budget, the civil works programs of the Corps of Engineers call for the expenditure of $3.7 billion. Although only a relatively small part of that money is spent to compensate the owners of land condemned by the government, the impact of each such action can be relatively huge in terms of social structures and individual lives, no matter what is said about its worth in terms of the general interest.

One example of the impact, the cost, and the claimed benefits to the general public is the condemnation of land now going on in north central West Virginia as prelude to the construction of a dam on the West Fork River.

Many of the people who farm or trade in this area are sixth generation descendants of the Germans and Scotch-Irish who settled here after a peace-making treaty with the Shawnee and Delaware Indians in the mid-eighteenth century. The area was so lush that it came to be known as Egypt, reflecting a Biblical awe for the fertility of the valley of the Nile. Some farmers thought the West Fork was just as rich. The people who have come here have, by and large, stayed, and they are tough, idiosyncratic, cooperative, independent. The faces are the sort Norman Rockwell painted. The culture is basic, prototypical highland American.

Paul Loudin is an undertaker in the area, in the community of Ireland. "I've buried five people who died from worrying about this thing," he said recently. "It's just not right." This thing is the dam.

THE WEST FORK RIVER DAM, A 620-FOOT-long, 95-foot-high concrete structure, will create a lake covering 3470 acres when full, or 2650 acres during dry months. The total cost, at the moment, is estimated at $109 million. In celebration of the fact that a youngster named Thomas Jonathan Jackson grew up in the area, it will be called the Stonewall Jackson Dam. The state of West Virginia is being asked for an additional sum —that could be as much as $35 million—to add certain recreational features to the project, and to provide the margin of cost-effectiveness without which the dam could not be justified under current law.

Altogether, in one form or another, the construction of this

"I've been fighting this thing ever since it got started. They want us out. I'm not planning to leave."

one project has occupied the Corps of Engineers for forty-two years, beginning with authorization under the Flood Control Act of 1936. Seventeen sites were studied and, one by one, rejected. Two that got as far as public hearings were rejected by people in the area. By 1966, the attitude of the locals was no longer seen as crucial and a specific authorization by Congress gave the corps permission and funds to proceed with the project. The estimate of the total cost of the project when it began was $34 million, about one-third of the current estimate. If currently effective tables used to estimate future construction costs are valid, the final cost, on completion in the 1980s, will be closer to one quarter of a billion dollars, 624 percent over the original estimate.

As with any federal land seizure there are these essential components:

—The physical terrain to be taken.

—The people to be dispossessed and displaced.

—The cost in public money, the benefits to the public generally, and the ratio between the two which, by law, is supposed to exceed unity: to return more than is spent.

The terrain, as in some 90 percent of West Virginia, is steeply hilly, but in the Lewis County area involved in the Stonewall Jackson project, the hills are terraced by fairly level valleys and, according to an environmental impact statement filed by the Corps of Engineers, "contain one of the most important agricultural areas in northern West Virginia." Along Skin Creek, in the heart of the 19,186 acres that the corps aims to take over, there is, according to the corps, "the second most important dairying area in Lewis County." Milk and cows, indeed, are a central part of the local economy. In the county seat, every week, about a thousand head of cattle change hands at an auction sale that brings buyers from throughout West Virginia and all surrounding states as well.

Jake Linger is 69 years old, leather-lean, very hard working, a cattleman all his life. In 1933, he and his wife Eleanor, a cook of magical prowess, bought the land on which they live. It adjoins the land of Linger's father. There is an entire row of Linger headstones in the local cemetery. It is a very long row.

"I've been fighting this thing ever since it got started," he says. "The Corps of Engineers goes up and down the road just about every day. They want us out. I'm not planning to leave."

"Jack's been a real steward of the soil," his wife says. "He's put more into the land than he's taken out of it—lime, fertilizer, everything. It hurts me to think of what he's put into it. The land is just too good to put under water."

"I'm bitter," Jack Linger says. "I don't like to have that feeling in my heart, but when you've been lied to for so many years. . . . Eleanor and I have lived most of our lives with the dam hanging there, over our heads."

To justify taking this land out of production and away from its owners, the corps assigns the following proportions of benefit to the project:

—35 percent of the project's benefit will be in upgrading water quality in an area where, admittedly, silting, drainage from farms, and drainage from the several very small, farm-leased coal strip mines deteriorates water quality in the river.

—34 percent of the project is said to provide relief for local flooding which, in two floods in the past decade, has swept through the county seat of Weston and caused, in aggregate, $4 million in property damage to some 600 houses, 170 businesses, 9 churches, and 10 schools. No lives are said to have been lost.

—22 percent of the project's benefits will come from recreation provided by the lake that will form behind the dam, and by the 19,000 acres of land being put into public ownership along with a crucial 1140 acres to be purchased jointly with the state of West Virginia specifically for recreational use.

—Finally, 2 percent of the project's benefits will be in providing a better supply of water, specifically, in the plans of the corps, for the towns of Weston and Clarksburg.

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There are problems with every one of these categories.

The principal manner in which the dam is supposed to upgrade water quality is by "streamflow augmentation." This means, in effect, that existing pollution will be diluted as the dam backs up water and, from time to time, lets it spill over to create a swifter stream below the dam.

Federal water quality laws now make this practice illegal —for just about everything except this one project of the Corps of Engineers. West Virginia's senior senator, Democrat Jennings Randolph, an ardent champion of the dam, secured exemptions from many water quality demands for the dam project; by simply altering the fine print this permitted the Stonewall Jackson project to evade the law.

Mine drainage, one of the problems cited by the corps in justifying its project, is now being attacked by programs under both the Federal Water Pollution Control Act and the Federal Surface Mining and Reclamation Act. Those programs would proceed with or without the dam. Sedimentation, which everyone seems to agree is a major problem in the West Fork, would not be affected by the dam except that, in a boomerang effect, its lake would provide a new catch basin for the silt, eventually leading to major problems of dredging. Better soil conservation practices, which are not involved in the project, would directly attack the sedimentation problem. Farmers in the area have lately become aware of the runoff problem through following the dam controversy, and better measures may well be adopted—if the farmers survive.

Flood control is seen by many in the area as actually more important than water quality. The Chamber of Commerce in Weston, the county seat, is a leading organizer of support for the project, and emphasizes it—with understandable feeling —since the town has been hard hit by flooding.

But by the corps's own estimate the only total flood control provided by the dam would be for 280 acres of rural land adjacent to the dam itself. The town of Weston would be spared some but not all flooding. Its greatest flood, in June 1950, brought ten feet of water to the town's lower lying areas. The dam, it is said, would cut such a flood down to a mere two feet. Such a flood can be expected once in fifty-eight years.

Since the dam project got underway in earnest, however, and even since the latest of the Weston floods, in 1967, which brought about seven feet of water into the town, other developments have cut the flood threat significantly. A power company dam on Stonecoal Creek and a series of eight earthen dams on Polk Creek have been built. Those two creeks, with the West Fork River, are the sources of Weston's trouble. Conservation officials in the state, notably in the state's Department of Agriculture, have for some years been attempting to substitute small, earthen, watershed dams on the West Fork for the huge Stonewall Jackson project. They claim that exactly the same levels of flood protection would be provided. Local landowners have offered to donate land for such dams.

There is, in the flood control aspect as in the water quality aspect, a conflict with overall federal water policy: The Carter administration's overall water policy discourages development in flood plains. The Corps of Engineers' claims of the benefits of the Stonewall Jackson Dam include substantial suggestions that it would enhance development in the flood plain. The Carter administration has generally discouraged projects such as the Stonewall Jackson Dam. None of the others, however, is located in a state represented by a very senior (forty-seven years in the House and Senate) legislator, Jennings Randolph, and the majority leader of the Senate, Robert Byrd, and governed by a Rockefeller (Jay).

MATTIE AND VERNON HYER, BOTH 74, are storekeepers and millers in Vandalia. They've given a small building on their place to be used as a community office. These days its most active role is as headquarters of the Upper Westfork Watershed Association, the formal designation for the citizens' fight against the dam. The place also is used for getting things together to help neighbors in need during times of ordinary disaster. Mattie describes a recent example: "A family got burned out, and that same day people came together and got three quilting frames and three sewing machines set up in the community building. We got three quilts done for them that day. We knotted them, of course, we didn't quilt them, since they needed those bedclothes in a hurry. Some women pieced and some women sewed. We're close around here. There wasn't anything fancy, but there was something warm."

The people may feel that their way of life is worth saving, but their senators have not stood up for them.

In a curious reflection of the schism between local culture and the nation-mindedness of the state's political leadership, the state Department of Culture and History, in its magazine *Goldenseal*, recently published an issue devoted mainly to praising the people and traditions of the West Fork River. The introduction says this: "There is a renewed and deeper appreciation of a way of life, inherited from the past, that would be destroyed if the community of people were dispersed. That their way of life is something good and of value to the future, a way of life that should be nurtured and not destroyed, is a belief of most people who live along the upper West Fork, Big Skin Creek, and their tributaries." The people may feel that. Not one of their elected national representatives has yet stood up for them.

Recreation is the other great benefit claimed. (The fraction of benefit assigned to water supply is of little interest, even locally. Clarksburg, the city which, with Weston, was supposed to derive a water-supply advantage from the dam, has already said no thanks, because the new watershed dams have solved their problems. And even the corps, in an explicit statement, says that "no specific provision of storage for industrial purposes on the West Fork River is considered in this plan. . . ." The only industrial expansion that is seriously contemplated as a result of the dam is in the industries that serve sport fishers, swimmers, and sightseers.)

A definite cloud hangs over the prospects for recreation. Of the thirty-one public recreation areas surveyed last year by the state's Department of Natural Resources, thirty showed substantial operating losses. One showed a $20,000 profit. One local booster of the Stonewall Jackson Dam is famed for having said that the dam would eclipse the state's preeminent Pipestem recreation area. Last year, Pipestem lost $1,585,000,

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which had to be made up for by West Virginians generally, whether they ever wet a line or strapped on a pair of skis —water or snow.

The benefits to swimmers are elusive. Under state public health laws there can be no swimming in the new lake. It is considered a reservoir and must be so considered in order to justify other portions of the claims of the Corps of Engineers for the structure. As a result, a chlorinated lagoon will have to be built near the dam for the benefit of bathers.

Under state law, swimmers will be barred from the new lake. They will have to swim in a chlorinated lagoon.

The corps's own stated, formal description of the desirable social change that will be brought by the substitution of fun for farms is included in its environmental impact statement: "Small rural communities and scattered farms will give way to a large transient population looking for recreation and relaxation."

The notion that even though the recreation will be a drain on the taxpayers generally, it will help the folks locally—and no one is discussing the morality of this deal—raises other substantial doubts.

To begin with, the dam will inundate local farms whose revenue is now set, by a state Department of Agriculture estimate, at nearly $3 million a year.

More significant than the money for many in the area is the inevitable eviction of as many as 1800 people from homes in the area that the government is seeking to take over. The corps says that only 1050 people will be evicted. The figure of 1800 is based on a door-to-door canvass of the area undertaken by the West Fork River Watershed Association, which has been organized to fight the dam. The association itself has 1150 signed-up members, 600 of them with addresses in the immediate area affected by the dam project; presumably, each represents a family unit.

KYLE AND ICEY BUSH, 79 AND 81, HAVE lived their entire lives within a half-dozen miles of the house that the dam builders now want to take from them. Kyle is retired from the railroad, retired after slipping on a coal pile, being crushed across the chest by part of a locomotive's loading machinery, walking in great pain through the snow to locate a fellow worker to replace him on the job, and then collapsing. He is stubborn. He and Icey won't even let the surveyors on their land. If they can afford it, they'll make use of every means in court to stop the dam from replacing their house. If they lose, they'll have to be carried out, by agents of their government.

About half of the people to be evicted are over 65. And about half of the people to be evicted live on farms that are either their full-time or part-time work and support. The rest of the people live in six small settlements of a dozen or so houses apiece. It is against those houses that the Corps of Engineers launched its first wave of acquisition; thirty-eight owners of small homes or small residential plots of ground sold out to the corps at an average price of $25,600 apiece. The impact of having a next-door neighbor's house sold to the corps is said to be a mighty lever to pry others loose from their property. People in the small settlements are, as a result, discouraged and fairly resigned to losing their homes—and leaving the county, which has little replacement housing available. Vacancy rates in the entire area, including surrounding counties, are a tiny 1 to 5 percent.

It is among some 400 farm families that the corps is finding the most active resistance. So far, eleven farms have been taken over: a total of 3811 acres. The corps has paid an average of $346 an acre. The state's Department of Agriculture, as well as a check of local real estate offerings, shows farmland selling at closer to a thousand dollars an acre on the open market.

Some of the resistance by farmers is physical. Survey crews in the area have reported so much hostility that the Corps of Engineers, in a headlined announcement, has requested protection by the FBI. The survey crews themselves, however, have been apparently less than conscientious about avoiding damage to the properties they are mapping. At the moment, because of this resistance, the corps is forced to obtain court orders of condemnation simply to get onto key parcels of land to make surveys. Their right of condemnation also confers the right to demolish or remove structures that get in the way of their work. More than 3000 acres of land have just been condemned for this purpose. The matter of compensating the owners is left to the future—a future in which an accurate assessment of the property may be made at least a little more difficult by the demolitions of the survey crews in the process of their work. Residences are routinely bulldozed as soon as they are acquired, even though the land may not be flooded for several years. Farm outbuildings also are bulldozed, even if only a survey is being made near them.

However the compensation is figured, owners in the area have been given notice that it will not include full consideration of at least one significant component of the value of the land: coal.

Farmers in the area are not wild about strip-mining. Although some farmers do lease a few acres here and there for mining, there is no boom-town urge to convert tillable to strippable acres. Yet with confiscation in the offing, the desire to have the land viewed at its maximum economic value is understandable. Such views, incidentally, are the only permissible ones in dealing with the corps. Whimsies such as a lifetime spent in a house, generations buried on the land, all that sort of thing, are simply not compensable. Value is what the assessors, not the poets, say it is.

Even so, the land is quite valuable according to some geologists, and not worth much at all according to the corps and its assessors. The corps assessment, accomplished in 1970, was by an engineer who evaluated data supplied by the corps and prepared, with its assistance, a "gross mineral appraisal." There was, he said, $616,400 worth of recoverable coal in the project area.

Last year, the head of the earth sciences department at Davis and Elkins College (which, like most colleges in West Virginia, has a vested interest in coal expertise) made his own calculations—from the same basic data used by the corps. These figures showed available coal to have a value of $39,873,831. Separately, the state tax authority already had posted average values for the sort of coal land involved in the project. Land that the corps values at $10 to $50 an acre in

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terms of coal is assessed by the tax people at $1,255.50 to $2,232.00 an acre.

If the higher value for the coal is used, the corps's cost-benefit claims for the project would dissolve. So far, however, by concentrating on residential property and on the several farmers in the area who have given up the fight, the corps has successfully avoided any head-to-head legal confrontation regarding subsoil values.

By the time such a confrontation does occur, the federal intrusion into the county could well be sufficient—regardless of who wins—to justify a go-ahead on the project even with a diminished cost-benefit ratio. (In addition to coal there is also natural gas under Lewis County. Many of the families in the condemned areas have lifetime guarantees of unlimited free gas in return for permitting commercial gas wells on their land.)

Beyond the steady purchasing and condemnation of property, despite opposition and questions regarding the project's justification, not to mention its conflict with other federal water projects, the most important push for the project has come from the state's governor, Jay Rockefeller; his dynastic ambitions to, first, go to the Senate when Jennings Randolph retires; and, second, to replace his late uncle Nelson as the family's claimant for the White House, are common political talk in the state.

His shove came in the form of a contract with the corps to take on a half-share in the costs of creating and maintaining the recreational aspects of the Stonewall Jackson Dam. The contract, as he signed it, includes a cover and summary page that are dated July 1977. Every other page of substance in the contract is dated April 1973. It is, in effect, exactly the same contract that Governor Rockefeller's predecessor in office had turned down. The four-year gap also means that the figures involved in it, which the governor steadfastly claims involve only $10 million of state money, are hopelessly outdated. Using new cost figures from the standard tables of *Engineering News Record*, the current cost to which the governor actually is committing the state comes closer to $35 million. The interest rate in the contract he signed, for instance (interest on a long-term payback of money spent by the corps on the recreational features to be taken over by the state), is figured at 3¼ percent. The actual and going rate, as even the corps area office confirms, is almost double that.

There is one other detail in the governor's collaboration with the corps that has raised eyebrows in the West Virginia legislature. Even as the governor was signing the contract, the state legislature was passing a bill which, when it took effect a mere ninety days after the signing, would have made illegal any such commitment of state money without legislative action.

Today, although the corps continues without interruption its assault against the property in Lewis County, and although the governor continues to insist that the project will produce a hilly heaven for poor Appalachian folk, the possibility of state legislative action to abrogate the collaboration between the two and to call, officially, for a halt to the project, grows.

Not banking on legislative relief, the embattled farmers of Lewis County have dug in their heels. Some vow to stand and to fight pitched battles for their land if worst comes to worst. One is selling off square yards of his farm for $10 apiece—both to raise money for legal battles against the corps and to make eventual confiscation of the land more difficult by at least necessitating hundreds or thousands of notices rather than just one. A retired railroad man's family in the condemned area will fight every aspect of the condemnation of its home and garden, using the legal aid for which the family qualifies. And a steady, day-to-day guerrilla warfare against the corps continues without letup. Survey stakes are treated irreverently. Hunters often find themselves chasing and shooting at rabbits hellbent across some survey crew's path. "Lord knows," says one farmer, "how them corps bulldozers will fare in our kind of climate, sittin' out all over the place like they do." After three and four generations of rooting in these hills, the farmers in Lewis County are not the sort of "roll over and clear out" order-followers so cherished by federal land takeover projects.

Eventually, the corps might have to blast the farmers out. It surely has more guns at its disposal—just as it has more friends in high places. But with more and more people dubious about the supposed good works of government, an actual shoot-out to build a dam could trigger resentment far beyond Lewis County. It could certainly bloody Jay Rockefeller's route to Washington.

Lewis County farmers, certainly not a radical lot, are counting on something very traditional to save their land. They are counting on the corps, in the long run, simply having to obey all the laws that are called into question by its curious computations in this four-decade assault against Lewis County, West Virginia.

MATT SNYDER AND HIS WIFE FRANCINE are in their early thirties. They are university graduates and native West Virginians. Their three children represent the sixth generation of Snyders to care for and farm exactly the same land on which they live today. Matt is big, bearded, gentle, tough talking, a house-builder as well as a farmer. He and Francine work steadily now in the various activities aimed at keeping their land and stopping the dam. When Matt studied at the university he says that "we were deciding to lay a house out after a single visit. Here, you spend an awful lot of time on the actual site in various weather conditions and seasons, checking out the way the sun hits the location. That's the traditional way. When I told one of our neighbors about university people trying to do it in a day, I thought he'd fall out of his chair laughing."

A shoot-out in Lewis County could certainly bloody Jay Rockefeller's route to Washington.

Francine knows about lasting, caring relationships, too. "I think that one reason why people get to feeling so frantic when they think the dam might scatter this community is that we've spent our whole lives building up these relationships that carry you through to the end. And then what if everybody you've related to has to move away? The fabric of the community gets torn. In some other areas people can say, 'Well, I'll just get another house.' But not around here. The house is the least of it, it's like losing your life savings to lose these relationships with community."

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SACCHARIN IN SUSPENSE

By WILLIAM HAVENDER

THE FOOD AND DRUG Administration announced early in March 1977 that, on the basis of a new study of rats, it intended to ban the use of saccharin in foods and soft drinks. The FDA expected panic over the news that such a widely used substance might cause cancer, but it was wholly unprepared for what in fact occurred: the most massive outpouring of letters in the FDA's history, about 100,000—an overwhelming number opposed to the proposed ban.

In addition, more than a million letters flooded the capital, most of them imploring Congress to "save" saccharin. In response, Congress passed the Saccharin Study and Labeling Act, which imposed an eighteen-month moratorium on implementing the proposed FDA ban and commissioned the National Academy of Sciences to prepare a complete evaluation of the risks and benefits of saccharin.

This moratorium expired last May, and we are currently in a period of suspense. Donald Kennedy, the Stanford neurophysiologist who was then commissioner of the FDA, and who strongly favored a ban, resigned at the end of June, and a bill that would extend the moratorium passed the House by a huge majority. Now it is up to the Senate and the new FDA commissioner, Jere Goyan. The decision will affect the health and convenience of tens of millions of citizens. Moreover, the saccharin dither raises some fundamental questions about governing a free society.

Although scientific studies have failed to show that saccharin is a health hazard, an FDA ban still looms. It's time for Congress to guarantee the people's right to choose.

Does saccharin cause cancer in rats? Although bladder tumors have been found in rats in three separate studies, there are aspects of these tests that cast grave doubt on concluding that saccharin poses any real health hazard.

To begin with, as is customary in such tests, mammoth doses were used: Each rat ingested the equivalent of nearly a thousand cans of diet pop each day, from the date of conception. Large doses are given because, for reasons of expense and feasibility, such tests usually cannot be conducted on more than a few hundred rats at one time. Without high doses one might miss a substance that caused cancer in one rat in a thousand, a dangerous rate if the effect on humans were comparable. It is thus standard to include as a single dose in such a test the highest that the rats can tolerate without dying prematurely from poisoning. (This is called the Maximum Tolerated Dose, or MTD.)

In this type of experiment many carcinogenic substances will cause malignant tumors at doses well below the MTD, i.e., in animals that in all other respects appear perfectly healthy. This was not the case in the saccharin tests: In all three, the *only* level at which statistically significant numbers of tumors were observed was the MTD, and the rats at this dose, all of them substantially underweight, showed symptoms of metabolic stress and incipient toxicity that raise the possibility that the tumors were only a byproduct of stress. Perhaps they would not have arisen at all, or at least not in this proportion, in otherwise

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healthy animals getting lower doses. Then we could not extrapolate from the MTD results the incidence at lower doses, and human-risk estimates that depend upon such projections would be weakened.

A second reason to doubt these findings is the reliance on two-generation experiments: Weanling rats are placed on the saccharin diet and raised to adulthood, then mated, and the dosing continues throughout the conception, gestation, birth, suckling, and weaning of the next generation. Then these offspring are maintained on the saccharin diet until they die and are examined for tumors. It is solely in this second generation that statistically significant numbers of tumors in response to saccharin have been found.

Two-generation studies are not yet standard procedure in cancer tests—very few chemicals have been tested in this way—and their interpretation is much in dispute. Their purpose in this case is to increase the sensitivity of the test by subjecting the fetal urinary system to maximal stress at the most sensitive stage, when it is just beginning to be formed and to function and is in a rapid state of cell division. (Rapidly dividing tissues—and this includes all fetal tissues—are far more sensitive to cancer induction by radiation, drugs, and other sources than are nondividing tissues.)

But in terms of estimating risk to humans, saccharin does not induce a significant incidence of tumors in one-generation tests (i.e., where saccharin dosing starts only at weaning rather than at conception), which suggests that fetal exposure is a requirement for carcinogenesis. Predicting from such results the cancer risk posed by saccharin to human adults who have not been fetally exposed is, therefore, vaporous speculation. Worse yet, close to nothing is known about the effective dose of saccharin to which the fetus has actually been exposed: It could easily be much higher than that absorbed by the mother since the fetal mechanisms for clearing substances from the body are undeveloped, and growing animals consume much more food relative to their body weight than adults.

A third important limitation of the tests was that the incidence of tumors was statistically significant only for male rats. Such a differential is not unusual, even for nonsex-specific organs like the bladder, but in assessing the predictions of human risk based on these tests, it must be noted that from the incidence of tumors in male rats, one can not accurately predict the occurrence of cancer in females even of the same species and strain in the same test.

A further detail that has somehow escaped the investigative zeal of the nation's press is that although some of the tumors were technically malignant, even those were "of low invasiveness" and none had metastasized. Animals with tumors lived as long as those without. Thus the kind of cancer induced by saccharin was very weak indeed; it would never have been noticed at all in a real-life situation.

IN ADDITION TO THOSE limitations that are specific to the saccharin tests, there are also the usual uncertainties associated with typical cancer experiments. One is whether rodents are in fact sufficiently like humans in metabolism to be useful proxies. As mammals the two species have many physiological features in common, but rats are rodents and thus very different from humans in other respects. One might expect, then, similar reactions to some carcinogenic substances, and different reactions to others. The trouble is, we don't know which will be which.

Even if one does see tumors at doses sufficiently below the MTD level so that toxicity is not a problem, there is still much debate among scientists about how to predict from this level the risks at doses that are fifty or a hundred times lower, approximating the typical human exposure. The key question, still not satisfactorily resolved, is whether normal metabolic and excretory routes and repair processes can be overloaded. If so, then what happens at high doses may be qualitatively different from what happens at low doses and therefore a poor predictor; there could then well be "thresholds" or "no effect" doses. And if not, then what happens at high doses *will* be qualitatively the same as at lower doses, and the risk at a low dose should be simply proportional to the decrease in dose.

Intense battles are currently being fought over the proper means of making this extrapolation. Suffice it to say that the various models still under discussion produce low-dose estimates that differ by a hundred thousandfold. The most conservative, i.e., the safest, of these is the linear, or proportional, extrapolation: It yields the largest estimate of risk at any given low dose.

Another controversial question is the duration of the "latent period": the period of time that passes between the start of exposure and the clinical appearance of an induced cancer. The latent period is frequently much longer at low doses than at high doses. Perhaps we could then define a "practical" safe dose as one at which the latent period exceeded the expected life span of the animal. And since the saccharin tumors were evident only in aged rats, a small increase in latent period over the thousandfold reduction in dose would mean that the animals would die of old age before tumors appeared. There is, however, no basis for assuming the latent period does vary with dose in this way; the most "conservative" assumption is that it does not.

In sum, then, saccharin surely can be made to yield tumors under sufficiently extreme circumstances. But saccharin is a very weak carcinogen—it is "among the weakest carcinogens ever detected in rats," as the Office of Technology Assessment put it. In addition, a long and heroic list of assumptions underlies the FDA's highly publicized estimate, based on these rat tests, of some 1200 cases of human bladder cancer caused each year by saccharin. Specifically, the presuppositions are that male rats are as sensitive as male—and female—humans even though male rats differ even from female rats, that debilitated rats are no more sensitive than healthy ones, that fetally exposed rats are no more sensitive than those not so exposed, that the proper dose extrapolation is linear, that the latent period does not vary with dose, and that a nonlethal, nonmetastatic, asymptomatic bladder tumor in a rat is equivalent to a clinically evident, life-threatening bladder tumor in a human.

As is customary in these tests, rats ingested the equivalent of nearly a thousand cans of diet pop each day.

But this is not all: the FDA figure was calculated (more precisely, confabulated) for 200 million people, each supposedly drinking a can of diet pop every single day of his life. Actual consumption is obviously not nearly that high, so we can safely reduce this figure to reflect

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realistic consumption patterns. With about 45 million regular users of saccharin in all its forms in the United States, 300 additional cases at most would actually be expected. This figure should be compared with the current annual incidence of bladder cancer, about 30,000 cases, to gauge the small impact on these rates that, accepting FDA figures, a total ban on saccharin would have.

The FDA seems populated by types with coercive mindsets who never have to face the people at the polls.

So much for divination from the entrails of rats. Bladder cancer was the only kind found in rats, so if saccharin causes any form of cancer in humans, it most likely is this kind. But what confirmation can we find by looking at cancer rates in people? There has been no increase in bladder cancer since World War II (when saccharin usage became common) that cannot be attributed to smoking and workplace exposures to certain chemicals. Diabetics, who have been heavy and regular users of saccharin products since early in this century, show no increased incidence of bladder cancer. And studies that compare the reported prior usage of artificial sweeteners by persons having bladder cancer, with the usage by a matched group of persons having no cancer show (with one exception) no difference in usage rates. Such case-control studies are the most sensitive of the saccharin epidemiology surveys.

THE ONE EXCEPTIONAL study of this type deserves a close look because it has been so widely publicized. The first notable fact about it is that the difference in saccharin use among males with and without bladder cancer was not large: Among 480 men with cancer 73 reported having "ever" used artificial sweeteners, and only 47 among the 480 matched cancer-free "controls." That is a difference of 26. This is considered statistically significant, but it is a distinctly fragile result; if only a half-dozen more of the 480 controls had remembered "ever" using sweeteners, the difference would no longer be significant.

That a shift of just six persons could completely wipe out this result is particularly sobering because of that great bane of epidemiology studies, the "confounding variable." What this means is that the cancer and control populations might differ in some other factor besides cancer that is associated with the use of saccharin. There might, for example, be small disparities in obesity or in coffee consumption, or in the number having a diabetic spouse or other family member, or in something else unknown. It is impossible to match groups so precisely as to eliminate every imaginable confounding factor. This problem can often be discounted when the difference in exposure to a suspect carcinogen turns out to be large, e.g., tobacco smokers and nonsmokers, but when the difference is small and "fragile," as it is here, then the conclusions must be suspect.

The causally unlikely distinction made between users and nonusers—namely, between having "ever" and "never" used sugar substitutes—is another cause for suspicion. One Fresca or one pill in a lifetime would put the subject in the "ever" category. So would having just commenced using saccharin products a year or so before the cancer was diagnosed, even though there is virtually no chance that such recent use could have initiated the cancer (because of the latency of at least twenty years associated with human bladder cancer). A more sensible criterion would have been to distinguish habitual use, on the one hand, from rare or no use on the other, and to have disregarded all use in the five years immediately prior to the diagnosis of cancer. But this would reduce the overall number of persons recorded as users, and it is possible that the remaining difference between the two groups would not be significant.

The third remarkable fact is that the results among women in this same study were just the reverse of those among men: There was *less* saccharin use among those with cancer than among those without it; indeed, the difference was proportionately larger than among men. The actual numbers were 18 out of 152 women with cancers who recalled "ever" using saccharin, and 30 in the matched group of cancer-free women. The authors dismissed this result because it was not statistically significant. (But it just barely missed: Had they found 31 and 17 users in the respective groups, the difference would have been significant.) Now this inconsistency in the effects of saccharin in men and women could be resolved if there were a sex difference in sensitivity in humans, as there is in rats. But it could also be that uncontrolled variables in the matching produced misleading signals with these small numbers. The latter interpretation is strongly favored by the fact that a comparably large and careful study, instead of affirming the positive finding in males, contradicted it.

This same study looked at the effect on bladder cancer not only of saccharin but of several other factors as well (including smoking, coffee-drinking and occupational exposure). The findings on these other factors were reported separately, and the authors estimated the proportion of bladder cancer incidence that could be attributed to each factor. Adding them together produced the curious fact that 118 percent of human bladder cancer could be accounted for by these other factors, leaving none to be caused by saccharin itself!

It is not surprising, then, that Sir Richard Doll, perhaps the world's greatest epidemiologist, described these results as "uninterpretable," nor that the editors of the prestigious medical journal *Lancet*, which published this study, described its "case against saccharin" as "unimpressive." What is surprising, however, is that the FDA's public stance has been one of unreserved acceptance of these findings (e.g., Donald Kennedy, quoted in the *Washington Post*, June 18, 1977: "[This study] makes it virtually certain that saccharin is a human carcinogen"), even though its own internal Saccharin Working Group entertained grave doubts and finally concluded that this study provided "neither enough evidence to accept nor to reject the hypothesis that use of artificial sweeteners, specifically saccharin, increases the risk of bladder cancer in humans."

The only conclusion to draw, then, from the epidemiological evidence, is that based on its past patterns of use, the contribution of saccharin to the current incidence of bladder cancer is at or near zero, according to the available studies. These studies would probably not detect a definite effect unless saccharin caused more than 10 percent of the annual occurrences of bladder cancer (that is, about 3000 cases). Since this is in the range of the estimates from rat studies, the human statistics can not prove or disprove the predictions based on rats.

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KEEPING THE CEILING of 3000 cases in mind, let us turn to the health benefits of saccharin. There are several minor uses of saccharin in toothpastes and drug formulations, and it is also used to hinder tooth decay. But far and away the major users of saccharin are diabetics and those concerned about their weight. Surprisingly, there is virtually nothing in the way of a "scientific" controlled study that establishes that using saccharin does result in fewer life-threatening diabetic "episodes," or that users do weigh less than they otherwise would.

The lack of "scientific" proof of benefits does not mean, of course, that no benefits exist, and an abundance of other evidence indicates the contrary. For one thing, consumers do have the means, after all, of discovering for themselves whether or not they benefit from saccharin, simply by trying it out. Therefore consumers' choices, especially after the ostensible cancer risk was widely publicized, suggest saccharin's benefits; so do the many personal testimonies, both written and oral, that have been communicated to the FDA.

The overwhelming majority of health professionals oppose a ban on saccharin, as do all the major health organizations concerned: the American Diabetic Association, the American Society of Bariatric Physicians (weight doctors), the American Dental Association, and more. There is very probably a true benefit lurking in the vicinity, just waiting to be discovered by a "scientific" study. And this benefit need not be especially large to offset completely the maximum number of current cancer cases that are attributed hypothetically to previous saccharin usage: A few thousand heart attacks per year among the tens of millions of obese saccharin users would do.

It is hard to foresee what the overall effect of a saccharin ban on the nation's health and well-being would be. The rat studies were even more questionable than such studies usually are, and the available epidemiological studies are not sufficiently sensitive to establish or rule out the small levels of risk in question. And the evidence for the health "benefits" is such that we cannot measure how much benefit there might be. Other considerations, however, may clarify what we should do:

First, the fact that the health benefits that saccharin may be supplying to certain groups of people have not yet been quantified certainly does not mean that these benefits should be ignored in deciding whether to impose a ban. Rather it means that no ban should be imposed until we have an answer to this question.

Second, this is, with one exception, a situation in which the user can control his own exposure and will be the only one put at risk. This makes it possible for each person to adjust his saccharin use in accordance with his own risk/benefit situation without interfering with anyone else. This feature is important precisely because people do differ vastly in their individual circumstances. For example, people over fifty almost certainly run no risk whatever of getting cancer from saccharin (because of the extended latency), and if such a person happens to be diabetic or obese, it is senseless to prevent him from using it. Clearly, a solution that accommodates these individual variations to which the market is automatically sensitive will be a superior way of optimizing public welfare.

(The exception is pregnant women, where the ill consequences of decisions made by a mother may be visited upon her child. However, a woman has a right to control her own body, and the task of caring for the health of the child she carries has properly and traditionally been hers. There is no ground for making an exception in the case of saccharin, certainly not when she may still consume *ad libitum* substances like alcohol or cigarette smoke that are potentially far more harmful to her child.)

And third, a ban necessarily means "criminalizing" the peaceful production, importation, and trade in saccharin-containing foods and beverages. But this would be a "crime" without victims. Those who favor the decriminalizing of all noncoercive transactions between adults will have no difficulty in seeing the parallel principles in freedom to consume both "coke" and diet Coke.

In sum, the scientific case in support of a ban is hardly as incontestable as the FDA, and in particular its recent commissioner, would have us believe; it is a structure built of gossamer. Regrettably, the FDA seems populated by types with coercive mindsets, who think a well-ordered society is necessarily one that has been ordered to behave by well-meaning experts.

The FDA, like the House of Lords, never has to face the people at the polls, so it can well afford to ignore popular petitions. Congress, however, is not so sheltered, and predictably has been more reponsive to the public will. A bill introduced last July by Representative Henry Waxman of Los Angeles to extend the moratorium until June 30, 1981, passed the House by a vote of 394 to 22. This bill is currently being considered by Senator Kennedy's health subcommittee. Action there, however, in the absence of any further public tumult, appears unlikely during the rest of this session, so long as the FDA continues to let saccharin products be marketed.

A moratorium, of course, merely delays the ultimate decision. What is at stake is not merely saccharin but the entire corpus of food-safety legislation as it has evolved to date, most particularly as embodied in the Delaney Amendment. For the saccharin hubbub has revealed a serious and doubtless unforeseen flaw in that clause (which, you recall, compels the automatic banning of any food additive that is shown, in an "appropriate" animal test, to cause cancer). Banning the deliberate addition of carcinogens to the nation's food supply is sentimentally praiseworthy, of course, but suppose the same additive also confers a health benefit that may override the risk from cancer? The point is that even if an overwhelming health benefit had been incontrovertibly demonstrated to result from the use of saccharin as a food additive, it would still have to be banned under Delaney. This would not seem a sensible way of bettering the nation's health, and that this is by no means an isolated instance is shown by the very similar issue of nitrites. (One of the key uses of nitrites in foods is the prevention of botulism, no demonstrably safe and effective substitute is yet available, and there is evidence that nitrites can cause cancer, weakly, in rodents.) So it would seem wise, at least for the narrowly specific case where there is a valid question of possible health benefits to weigh against the putative health risk, to modify the Delaney Amendment to permit a balancing of benefits against risks. Let us hope that such a modest but helpful change will be enacted before the end of the new moratorium. ❑

Diabetics—heavy and regular users of saccharin—show no increased incidence of bladder cancer.

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LETTERS, by John Barth. G. P. Putnam, 772 pp., $16.95.

The end of the road

GENE LYONS

TEN YEARS AGO, WHEN most of John Barth's *Letters* purport to have been written, the English Department—and there is really only one, as there is one State Department—sensed trouble. Having for a generation battened upon the notion that Literature was the very heart, if not the *summa* of the Liberal Arts, it began to encounter dissent. There was talk of revolution in the halls. The World War II babies had for the most part passed through the university like a pig through a python: Now, mostly digested, they had Ph.D.s of their own and expected work.

Keeping them busy meant enrolling increasing numbers of semiliterates, youths clearly more in need of what Barth's Jacob Horner calls "prescriptive grammar" than of the Joycean catechism. But nobody had been trained for the dirty work: Freshman comp had not been rediscovered. Fewer students were taking English electives. The prospect of convincing them that imaginative literature of any kind, much less of the dense, allusive Modernist sort could, as Wallace Stevens put it, "take the place/ of empty heaven and its hymns" seemed remote. What to do? Join the revolution, some urged: More electives. Lit of revolution. Black Lit. Women's Lit. Third World Lit. Science Fiction. Popular Lit. Film as Lit. Curmudgeons resisted.

One fellow in my local cell of The Department delivered himself of a position paper in which he argued, essentially, that come the revolution or the repression, come war or peace, come sacred text or blasphemous screed, literature was comprised of stories—"fictions" is now I believe the accepted term—and that English teachers were best equipped to teach students *how* stories are told. Narrative technique was, in short, the key. He did not quite spell out the message that subject matter, theme, character, style; moral, political, factual, and theological preoccupations—in a word the *what* of books—were to be disregarded as incidental to technique, but the implication was clear. World as Text, Text as World. Fiction as Fact, Fact as Fiction. World as Lit.

At the time I thought the proposal evidence only of its author's confusion and loss of morale; now I see in it evidence of his conciliatory and politic nature as well. How better to keep the young revolutionary and the old-fashioned New Critic marching together than by adopting as the department's a doctrine of universal skepticism? If there is no Truth, it is to Every(wo)man his/her own fictions. Literature and criticism, being simultaneously everything and nothing, unite all professors as brethren seeking the code with which to decipher that anagram "reality." It was a lame try. The revolutionaries are quiet, but the Johns Barth and Gardner still disagree: Two years ago we had *On Moral Fiction*; now we have *Letters*.

In form, *Letters* is "an old time epistolary novel by seven fictitious Drolls & Dreamers, each of which imagines himself to be actual." Intellectually speaking, it is a 772-pp. demonstration of the extreme skepticism about language, form, and meaning encapsulated above—a skepticism that is now the reigning departmental orthodoxy. Barth's virtues—his great intelligence, his facility with ideas, and his enormous energy—are everywhere on display: The plot is as complicated as *War and Peace* in terms of the number of narrative balls kept in the air. Aesthetically speaking, however, *Letters* is long-winded, repetitious, almost pathologically self-indulgent, and boring beyond measure or description. It is impossible to imagine anybody other than a member of The Department reading past the first hundred pages; even a graduate student could scarcely force his eyes to focus on every page, much less every line. Reading the book is like being compelled to sit through a 48-hour version of *Last Year at Marienbad* in which the projector is electronically controlled by your brain waves: It shuts off when you fall asleep and begins again when you wake.

THE BEST WAY TO SUMmarize the book is to list, with examples, the three main discoveries about the nature of "fictions" therein contained:

1. Stories calling themselves "fiction" are not true. They are made up. Stories calling themselves "true" are also made up—some self-consciously, as in "lies" or "propaganda," others unself-consciously as in "Marxism," or "history." Pages and pages of illustrations, the silliest of which are generally contained in those epistles entitled "The Author to the Reader":

> "March 2 1969"
>
> If "now" were the date above, I should be writing this from Buffalo, New York, on a partly sunny Sunday mild for that area in that season, when Lake Erie is still frozen and the winter's heaviest snowfall yet ahead. On the 61st day of the 70th year of the 20th century of the Christian calendar, the human world and its American neighborhood having survived, in the main, the shocks of "1968" and its predecessors, stood such-a-way: Clay Shaw was acquitted on a charge of involvement in the assassination of President John Kennedy, Sirhan Sirhan . . . .

A few thousand words of current events are summarized, then:

> But every letter has two times, that of its writing and that of its reading, which may be so separated, even when the post office does its job, that very little of what obtained when the writer wrote will still when the reader reads. And to the units of epistolary fictions yet a third time is added: the actual date of composition, which will not likely correspond to the letterhead date, a function more of plot or form than of history. It is *not* March 2, 1969: when I began this letter it was October 30th, 1973: an inclement Tuesday morning in Baltimore, Maryland . . .

More current events, then:

> Now it's not 10/30/73 any longer either. In the time between my first setting down

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"March 2, 1969" and now, "now" has become January 1974. Nixon won't go away . . .

Nor, it seems, will Barth.

2. Since stories are made up, it follows that the traditional beginnings, middles, and ends of retrograde, old-fashioned fiction are somewhat arbitrary and not to be confused with genuine necessity. Any story could have been told differently. The narrator, by entering his story as obtrusively as possible, demonstrates his advanced sensibility and intellectual refinement. Inasmuch as all of the characters in the novel are themselves authors, would-be authors, or at the very least writers of letters, not a missive passes without such musings, whether on the book at hand, one of Barth's previous works—most of the characters have not only appeared in, but have read, the Barth *œuvre* and comment thereon—or at the very least, on the letters themselves. Here is our author himself again to character (and novelist) Ambrose Mensch, originally of *Lost in the Funhouse*, explaining the current enterprise:

> I have in mind a book length fiction, friend, more of a novel than not. . . . Indeed (I blush to report) I am smitten with that earliest-exhausted of English novel-forms, the *epistolary novel*, already worked to death by the end of the 18th Century. . . .
>
> LETTERS is a seven-letter word; the letters in LETTERS are to be from seven correspondents, some recruited from my earlier stories. . . . They'll be dated over the seven months from March through September 1969, though they may also involve the upcoming U.S. Bicentennial (a certain number of years hence), the War of 1812, the American Revolution, revolutions and recyclings generally. I've even determined how many letters will be required (88, arranged and distributed a certain way . . .)

The above we are told on p. 654, although on p. 49 we have already been told:

> They will write always in this order: Lady Amherst, Todd Andrews, Jacob Horner, A. B. Cook, Jerome Bray, Ambrose Mensch, the Author. Their letters will total 88 (this is the eighth), divided unequally into seven sections according to a certain scheme: see Ambrose Mensch's model, postscript to Letter 86 (Part S, p. 770).

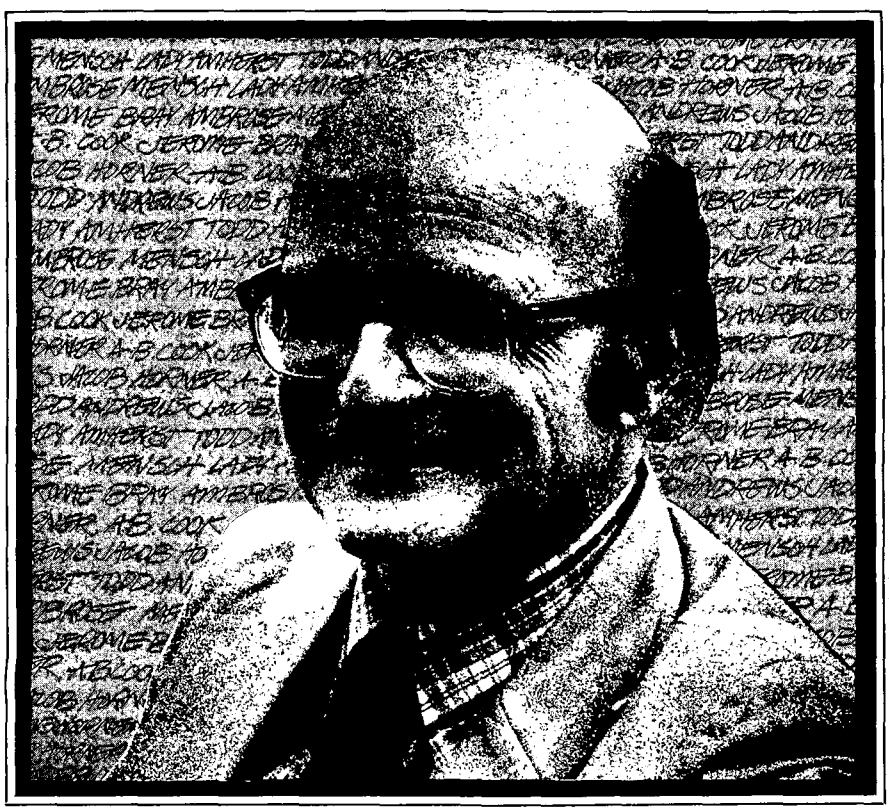
The novel is full of lists of things that come in sevens: days of the week, ages of man (Shakespeare), and the like. I am told it is a mystical number.

3. Words and languages themselves are also made up, and may have a purely noumenal existence. It is this supposition that makes it impossible for any academic sophisticate, much less for any "real" writer like Barth, to use the word "real" or any other similar term that implies metaphysical earnestness, ideological or moral commitment, or a passion for stylistic precision without the ironical quotation marks. Barth's own style is expansive, latinate, and tedious. Sentences of 100 to 150 words are common. Scarce a paragraph passes without enough colons, semicolons, parentheses, dashes, and commas to illustrate a freshman comp text. Scarce a noun but two adjectives, a verb without an adverb, a statement without a qualification, or a trip without a detour. *Tristram Shandy* is by comparison straightforward.

"Art and life," we are reminded, "are symbiotic." Combine Sterne on novelistic conventions and Falstaff on honor—"What is honor? A word. What is in that word honor? What is that honor? Air."—and you have the thing entire. Barth and his characters are obsessed with language's capacity to express what Gulliver's Master Houyhnhnm called "the thing which is not"—"That green house is brown" or "Sun so hot I froze to death" (Barth's examples)—as if a profundity were hidden in that capacity. All his characters save the deluded know or suspect that language is a windowless cell with funhouse mirrors for walls, and that they are in solitary for life. Whether it is Todd Andrews's endless inquiry into his father's suicide, successive generations of Cooks and Burlingames cancelling each other in the "Game of Governments," or Ambrose Mensch plotting his novel of "ritual reenactments" concerning the Perseus myth—planning a story that is a "spiral that unwinds forever, as if a chambered nautilus kept right on until it grew into a galaxy"—Barth characters cannot connect. Like Nabokov's, they try sex. Unlike Nabokov, however, Barth cannot write about the subject without sounding like a smut-crazed librarian. Here is "Lady Amherst":

> I write this weary to the bone, sore in every orifice from our amorosities of the night past, everywhere leaking like a seminiferous St. Sebastian. From where in the world, I wonder, does so much come come?
>
> Thus our gluttony persists, to my astonishment, into its fourth week. I should not have believed either my endurance or my appetite: I've easily done more coupling in the month of April than in the four years past; must have swallowed half as much as I've envaginated; I do not even count what's gone in the ears, up the arse, on the bedclothes and nightclothes and dayclothes and rugs and furniture, to the four winds. And yet I hunger and thirst for more . . .

For Barth, as for my one-time colleague, Literature has to be everything lest it seem nothing at all. Ambrose Mensch writes the Author that "our concepts, categories and classifications are ours, not the World's, and are as finally arbitrary as they are provisionally useful." Ho, hum. The only answer to a solipsist, I learned as a sophomore, is Doctor Johnson's. It is not, in any case, that Barth's ideas are trivial or mistaken, but that *Letters* takes 772 dense and repetitious pages to elaborate upon the very same Shandian notions that ani-



PHOTOGRAPH BY HELEN MARCUS

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mated both *The End of the Road* and *The Floating Opera*. Those companion pieces, which are now destined, I fear, to remain their author's best works unless he returns to his senses, are here accurately designated a "nihilist tragedy" and a "nihilist comedy" respectively. I had also taken them for academic satire.

I have for some time now suspected that readers were not so much abandoning "serious" novelists as that the academic "fabulators"—to use Robert Scholes's term—had taken to flogging the obvious so obsessively as to drive any intelligent person with a normal interest in the visible world to spy thrillers and the Carson show. With any luck *Letters* will do for its genre what Cervantes tried to do for the chivalric romance: kill it off. Of course knights errant were already almost out of business by the time *Don Quixote* was published, just as the Barth novel is defunct everywhere but The Department. It would require a literary anthropologist to say exactly why.

WESTERN POLITICAL THEORY IN THE FACE OF THE FUTURE, by John Dunn. Cambridge University Press, 120 pp., $17.95 hardback, $4.95 paper.

Dismissing liberalism

DAVID GORDON

IN THIS MOST RECENT WORK of his, John Dunn, one of the most prominent of contemporary British political theorists, fully lives up to his reputation for great erudition. This short study bulges with learned references to the history of China, the philosophical status of ethical relativism, and the arcana of Marxism; citations from Shakespeare also dot the text. Unfortunately, all this is mere glitter concealing the fact that the development of the book's thesis lacks analytic rigor. His thesis is, fundamentally, that capitalism is a patently immoral system. He castigates classical liberalism as its obsolete ideological armor; the Marxists, however, have erred in seeing the triumph of socialism as inevitable. In Dunn's view, the idea of a rational moral order is little more than a pious hope which nonetheless, for want of anything better, must be embraced.

One can only assume that, in spite of his periodic obeisance to realism, Dunn has been overcome by a vision of an economy "where all things in common Nature did produce/Without sweat or endeavor." Otherwise, how explain the fact that the distinguished author of *The Social and Political Thought of John Locke* has altogether omitted any argument justifying his denigration of laissez-faire?

I do not exaggerate. Dunn claims that capitalism is "a morally threadbare and practically dangerous form of human social organization." Although he admits the failure of Marxist efforts to prove the inevitable economic breakdown of the market economy, he still insists that the mood of "facile eudaemonism" that advanced capitalist society cultivates in its members makes it morally vulnerable. (He offers no evidence that a free economy does this, and, for that matter, provides no reasons for rejecting eudaemonism, facile or otherwise.) Dunn, next proceeding to attack the hated system's contemporary defenders, claims that neither Friedrich Hayek nor Sir Karl Popper "shows much understanding of the social and economic collapse of the form of liberal society which they hold dear." Since Dunn himself knows that Marxist economics has not been a "tremendous success," one cannot avoid asking: How does he know that the market economy is collapsing? He will not say.

Toward earlier forms of classical liberalism Dunn is a more generous, if in the end no more effective, antagonist: At least he condescends to reveal what he thinks is wrong with it. A viable political doctrine, he holds, must rest upon a philosophically acceptable conception of human nature, which liberalism, as a mere bourgeois ideology, is unfitted to provide. John Locke's liberalism was not marred by this defect, but only because Locke "saw political and social values as rational interpretations of God's requirements for men," a belief that no longer commands an intellectual consensus. Dunn's main support for this reading of Locke consists of an ambiguous passage from an unpublished manuscript. He presents no proof that anything in Locke's liberalism stands or falls with the acceptance of his brand of Christianity.

After even briefer dismissals of Bentham and Kant, Dunn goes on to distinguish three types of contemporary politics within the classical liberal tradition—pluralism, individualist anarchism, and the synthetic approach of John Stuart Mill—rejecting them all, of course, as inadequate. The first of these maintains that state power must be kept strictly limited by other social institutions: The good society cannot be achieved by concentrating power in the hands of the government. One might have imagined, in the light of constant abuse of power by the state throughout history, that such a position would be considered a fairly mild and moderate one. But to Dunn this will not do: "Pluralism is the political theory of bourgeois society up against the wall." His only argument against it, as distinct from his vulgar importation of class bias, is to repeat his blanket charge against every type of classical liberalism: The devotees of pluralism do not expound "a philosophically defensible conception of the epistemological foundations of ethical theory."

Dunn's strategy, one must admit, is not without interest. First, he severs the pluralists from their intellectual ancestors, such classical liberals as Mill and Spencer. He then announces his major intellectual breakthrough—the pluralists do not present a foundation for morality—not mentioning that the classical liberals *have* done so. After removing a card from the deck, he looks about himself with astonishment and declares it missing. Even if, however, one were to concede his point, why does it refute pluralism, or liberalism in general? Are all ethical judgments suspect because the groundwork of morality is in dispute? Dunn would not, one hopes, hold that the proposition "One ought not to murder innocent people" is uncertain. Why, then, does he think that reasoning about politics must await the solution of the perennial problems of epistemology?

Individualist anarchism is dispatched with even greater celerity. It rests, according to Dunn, on the egoism of Max Stirner and "confront[s] History in the classic pose of the ostrich." Here again is Dunn's favorite tactic: He matches a political position to a (dubious) philosophical doctrine that is allegedly its precondition. He then exposes (at least to his own satisfaction) the fallacies of the philosophical doctrine and announces the politics to be without foundation. He conveniently fails to demonstrate that individualist anarchism and Stirnerite egoism are necessarily conjoined, which leaves a gaping hole in his argument. Dunn has been carried

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The idea of a rational moral order may be only a pious hope, but it's all we have, says Dunn.

away by his marked distaste for individual rights, a distaste he takes little trouble to conceal. Discussing Robert Paul Wolff's argument that persons have the right to judge for themselves the moral propriety of state commands, Dunn asks how are "individuals to be presumed to derive their title to exercise such hysterical fastidiousness on the entire framework of practices which makes their existence (as they actually are) possible at all?" Those not quite so enamored of the state as Dunn is may be pardoned for wondering whether it is Wolff or his critic who is "hysterical" on the subject of the rights of conscience.

An extended discussion of the third type of liberalism, the position of John Stuart Mill, is unnecessary, as Dunn has little to say about it beyond dismissing it as incoherent. Instead, he quickly turns to a portrayal of the rational moral community he favors. Here one encounters a surprise: Dunn admits that there is almost no chance of achieving such an ideal. While endorsing the Marxists' attack on the free enterprise economy, he scores their "commitment to evasion." "But to suppose that its [capitalism's] vulnerability in any sense dictated the genesis of a better form of society . . . has always been insanely optimistic." The Marxist "science of history" is a sham, and Dunn concedes that no means has yet been devised to reconcile the democratic promises of socialism with the repressive dictatorship required to put a centralized economy into operation.

Is the struggle for such a society worth the trouble? To answer this, one needs to know exactly how the utopia Dunn conjures up is supposed to function. In spite of his complaints that garden-variety Marxists too often draw blank checks against the future, Dunn himself is hardly an improvement. He provides only the barest idea of what his "rational moral community" would be like, other than that it is noncapitalist. There is, however, one indicator that the consummation of Dunn's reveries is a utopia only in the style of Orwell and Zamiatin. "One of the most widely deplored characteristics of the Platonic Republic, the noble lie, has at least as guaranteed a place in any possible structures for our world as it had in that of Plato," he writes. It should by now be sufficiently obvious that Dunn's suggestion that Western political theory may consist of "crazed myths" is perhaps no exaggeration in the case of one eminent political writer.

***THE REGULATED INDUSTRIES AND THE ECONOMY*, by Paul MacAvoy. W. W. Norton, 144 pp., $11.95.**

Hell of a way to run an airline

THOMAS W. HAZLETT

BACK IN 1965, WHEN THE federal government mandated safety belts as standard factory equipment in every automobile sold in America, only the most hardened cynic (or an economist, which amounts to the same thing) could have called the end product of this federal blessing: an increase in pedestrian deaths because of more reckless driving because of more fearless car drivers because of mandatory seat belts.

Little wonder that federal regulation has its critics.

Of course, putting the case so mildly might be like stating that Idi Amin had his critics. The current tidal wave of analytical criticism of regulation in America threatens to engulf the system; what is worrisome is that thus far the system has shown itself to be so incredibly buoyant.

The latest onslaught against the regulatory creature is a book by a prominent practitioner of the science of economics at Yale, Paul MacAvoy. MacAvoy starts by scaring the red tape out of us with estimates that, in addition to clipping the taxpayers for about $3 billion a year in overhead, regulation costs the U.S. economy about $65 billion to $70 billion (circa 1975) in reduced output. Increased regulation could well prove to be a much more reliable explanation of the economy's stagnation in the 1970s than the macro magic the Keynesian gurus keep embarrassing themselves with.

For analysis, MacAvoy pulls together the most regulated 9 percent of our GNP: electricity, gas transportation, gas utilities, telephone, railroad, airline, and motor freight industries. These cartels and monopolies are directly controlled by administrative decisions that determine both prices *and* entry. (The theoretical problems produced by lumping cartels together with monopolies are not a point of interest for MacAvoy.) MacAvoy compares these industries to the less regulated ones for three time spans: 1950s to early 1960s; mid 1960s; late 1960s and 1970s.

His findings are straightforward in the extreme: Regulated prices tend to be rigid because it is more costly for a firm to go through a public hearing to obtain permission to change prices than simply to change prices autonomously as unregulated firms bravely do every day—at their own risk. The upshot is that when industrial prices were generally declining, as was the case during much of the 1950s (now here *is* cause for nostalgia), prices in the regulated industries were too high; when inflation hit in the late 1960s, they were too low. In other words, the costs of production for the regulated companies were much more responsive to a changing price level than were the rates those companies were allowed to charge. (Given MacAvoy's grouping, however, such results are ambiguous, for the airline and trucking industries have always set prices too high, a factor explained by the "captive" theory of regulation, which is strangely left out of the discussion.) By way of example, a sampling of thirty-one states showed electric utilities were granted an average return of 8.2 percent on capital invested in 1974, a year in which Treasury bills were netting 9.7 percent.

This kind of stuff may not grab the true believers who see price regula-

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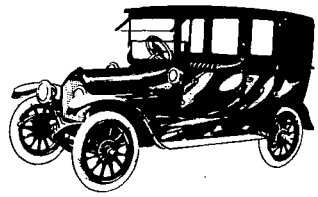
tions—in reality, price controls—as the thin emollient shield between consumers and an avaricious private sector of profit-maximizers, yet such interventions do indeed have consequences. During the 1950s, when regulated prices stayed too high, the government's protective agencies did a good deal of protecting—of the regulated industries' monopoly profits. This prompted overinvestment in these industries as capital flowed to where it could attract the highest returns. Just the contrary occurred during the most recent inflationary period. Because costs have recently risen dramatically, although regulated prices are only permitted to rise slowly, massive underinvestment has resulted. By the midseventies, "output increases were reduced by one-half to two-thirds" in the regulated industries. One particularly amusing procedure of commissions that set rates for the electric industry is the use of "average historic costs" to determine allowable future prices. When costs rise at 8 percent or 12 percent a year, one need not be a Nobel laureate to deduce that the prices determined by average costs for past years will spell out the familiar yell of the beleaguered price-controller: S-H-O-R-T-A-G-E. (Are blackouts still a mystery?)

A seminal discovery of economic science is that prices are not instruments of the Holy Spirit.

THE PERNICIOUS EFFECTS of price controls are duly noted by MacAvoy and his highly able research army. Beyond the shortage problem (surpluses when prices are too high, as in the airline regulations), the bottom line is that the commissions that set prices have had to assume "the power to control all the important decisions of the companies under their jurisdictions." This is inevitable when private monopoly ownership and "public" control unite and play a state-capitalist game of cat-and-mouse (wherein it is difficult to say who is the cat). Once the state grants a monopoly and then assumes power over prices, it must mandate all service to be offered, or the firm could lower service as a substitute for raising price; it must review all salaries and payments to factors of production, lest monopoly profits be extorted by the employees in the form of wages, benefits, and working conditions; it must control investments, and so on.

The very odd thing about this arrangement is the arrogance with which patriotic Americans trumpet it as "private enterprise." When the government sets prices so that a monopolist's profit on invested capital is constant over time, which is the stated objective of commission price-setting in the regulated industries, where is the incentive for innovation, for good service, for treating employees well, for attracting new customers, for achieving cost savings? Remove the firm from the constraints of profit and loss, and what will drive it toward greater efficiency? A profitable operation this quarter will simply become grist for the consumers' advocates at rate hearings in the next. It is no surprise that, given this potentially chaotic situation, the public bodies exercise de facto control over the operations of the monopolies they regulate; the only surprise is that they are still dubbed "private."



At bottom, price regulation is the tortured legacy of the medieval "just price." It was the prevailing view among scholars of the Middle Ages that prices should be "fair," which is to ignore the *consequences* of price-fixing for the sake of an inevitably arbitrary ethical standard. That this anachronism is still robust today is shown by our Chief Executive's growls of "obscene" profits and by the common folks' grumblings of "ungodly" price hikes. It is one of the seminal discoveries of economic science that prices are not instruments of the Holy Spirit. The role they play is an entirely earthly one: to direct resources to where the consumers most desire to have them. Price controls diminish both productive efficiency and consumer satisfaction by disrupting the signals consumers send to producers. Even a competent socialist economist will, while screaming for income redistribution via taxation, respect the free movement of prices to achieve efficiency and consumer satisfaction.

So, given the incompatibility of price controls with anything approaching a scientific understanding of economics, how do we control the beast of natural monopoly—the industry where one firm tends to dominate for economic reasons? That is an excellent question. One wishes that MacAvoy had addressed it.

After leaving us a little hazy on a solution to the regulated industries problem (he does sell us on deregulation of the competitive ones such as trucking, natural gas production, and airlines, while holding out for "better" price controls of the natural monopolies), MacAvoy runs us through a head-shaking tour of our wondrous health and safety regulations, which affect every industry. He chooses to spotlight the contributions of the Environmental Protection Agency (EPA), the National Highway and Traffic Safety Administration (NHTSA) and the Occupational Safety and Health Administration (OSHA). Interestingly, he traces these agencies to their origins in "a time when new federal government programs were looked upon as the preferred way to solve problems in the Great Society." Yet all of these brainstorms were initiated by none other than President Nixon, as were some of your other favorites: the Federal Railroad Administration, the Consumer Product Safety Administration, the Mining Enforcement and Safety Administration, and the Drug Enforcement Administration. MacAvoy counts seven Nixon creations in the health-and-safety regulatory field alone—compared to just one during all the Kennedy-Johnson years, and one during the entire New Deal.

THERE ARE TWO IMPORTANT facts about the EPA. First, it has cost us a whole lot of money (mandated pollution-control mechanisms cost consumers $6.6 billion in fiscal 1975). Second, no one can tell whether it has done anything to improve the environment. By using some elementary econometrics, MacAvoy finds that a trend established prior to regulation is significant in explaining reduced air pollution over the past decade, although the impact of regulation is not. He dismisses EPA boasts to the contrary: "Regulation of auto emissions may have done little beyond taking credit for the improvements that would have occurred in any event." What is particularly amusing to the hardened cynic is

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that the EPA studies showing significant pollution reductions in selected regions between 1968 and 1976 fail to take into account the severe effects on general economic activity—including pollution-generating activity—of the 1974–75 recession. (That depressions tend to reduce industrial wastes spontaneously is a message that has not been lost on some of today's most bubbly environmentalists; for some it has even become a strategy.)

OSHA inspired American industry to invest in alleged safety gadgets costing $4 billion for the 1975 model year. But again, "research on OSHA regulation has not indicated that there have been significant . . . reductions in worker accident rates . . ." OSHAcrats have no difficulty in spotting the problem—insufficient resources to pursue inspections. Yet MacAvoy cites one study that finds no correlation between "vigorous enforcement of OSHA standards" and reduced factory accidents, and another reporting that "*higher* accident rates were associated with more inspection activities by the agency." This latter circumstance, of course, could result from OSHA sending its agents to those firms where accidents were more likely in the first place, or, for those that are really suspicious of government regulation, it could mean . . .

Now for the good news: the NHTSA let U.S. consumers get away with forking over only $500 million to comply with its decrees in 1975. The rest of the story, however, is regrettably similar to OSHA's—except that the General Accounting Office has decided to take a peek. A GAO report ascertained that the very first safety regulations in the 1966–68 epoch probably reduced fatalities and serious injuries on the highways by a substantial 15 to 25 percent, but that subsequent mandates have not had any discernible effect (other than raising prices). Further, the increased auto passenger safety that was achieved has produced the bizarre side effect of heightened danger to pedestrians, since motorists now incur fewer costs in terms of both health and wealth by risky behavior, which may nullify the gains altogether. When some grossly irresponsible mandates of the NHTSA are considered (such as an untested and unreliable brake interlock system for trucks—thrown out by the courts in 1978—which trucking experts testified would have resulted in far more fatalities than it could have conceivably prevented), the effect of this governing body on safety, pro or con, becomes a guessing game, regardless of cost.

When the time comes to move on from the evidence and look for some hard-hitting solutions, MacAvoy displays all the animation of the hapless regulatory agencies he critiques. His valid premise is that federal agencies have no business telling companies what equipment or machinery they must employ or sell. Rather, he asserts, in the interests of efficiency and consumer sovereignty, they should set *performance* criteria and allow the creative juices of competitive enterprise to get the actual work done. Although it is indisputable that competition can design a better mousetrap than can the rats in Washington (rats have an incentive problem on such things), this "solution" remains fanciful. How is "performance" to be judged? How will pollution, safety, and health improvements be reflected in prices and paid for in the market? What solves the ever-present "free rider" problem in the pollution dilemma? We have some of the answers; we look eagerly for quite a few more. Now that MacAvoy has drawn all the charts and done all the easy stuff, he should get busy on these. An overregulated universe is waiting.

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Free and Unequal

By Roger J. Williams

"A distinguished biochemist, who has long been concerned with the importance of science for human welfare, assails the widespread acceptance of what he calls the 'assembly-line doctrine' that people are fundamentally alike . . . Dr. Williams mobilizes evidence for the heritability—and thus the fundamental variability—not only of bodily traits but of physiological and psychological differences as well . . .The author then explores the significance of these differences. He shows how freedom itself depends on them, for freedom would be unimportant if we were all alike"—*Saturday Review.* "Eminently humane and he makes his principal points powerfully" —Ashley Montagu in the *New York Times.* Hardcover $8.00, Paperback $3.50.

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FILM

New York Film Festival I

STEPHEN HARVEY

ALTHOUGH THE PREDOMINANT flavor varies from year to year, the ingredients of the annual New York Film Festival ragout have remained basically the same for as long as anyone can remember. You start with a half-dozen or so selections from either or both of those prolific Teutons Fassbinder and Herzog. Then add a sampling from the menopausal French *nouveau cinéma* (usually a Duras dirge or a Rivette reverie, but this year something by Rivette's protégé Edouardo De Gregorio); an obligatory documentary program dedicated to either a) the folksy sagacity of the filmmaker's immigrant grandmother or b) the progressive political fervor of our departed forebears; and one garrulous saga (ideally in literary French, but peasant Italian will do) that clocks in at four hours plus. Also indispensable is an exercise in humanist *cinéma vérité* from some respectably non-OPEC Developing Nation, and a brace of prosy transcriptions from the pages of Great Western Literature, preferably nineteenth century. Plus, of course, the most recent signature piece by some European sacred monster of the sixties, such as Chabrol, Truffaut, or Bertolucci.

Now just because the annual recipe is fairly predictable doesn't mean that each lacks its own pungent satisfactions. Yet it's odd how many of the really memorable recent festival premieres—movies like *The Lacemaker, Padre Padrone,* and *Newsfront*—seemed to come out of nowhere, deviating in one significant way or another from the patented formula for the typical festival entry. In fact, if any rule of thumb applies within the confines of Alice Tully Hall every October, it's that the more widely heralded the newest movie by some acknowledged auteur might be, the greater the likelihood that it will turn out to be a bloated fiasco. (The films of the eternal Luis Buñuel are practically the only exceptions to the rule.)

This year's opening-night film, Bernardo Bertolucci's ***Luna***, was an especially painful object lesson in the truth of this axiom. This turgid movie is crammed with contradictory elements (Bertolucci would doubtless call this "dialectic"); rather than enriching the movie's texture, they merely sabotage each other in practically every frame. Like Francis Coppola, Bertolucci fumbles whenever he tries to infuse his sensuous, visceral images with a few distilled notions extracted from the works of some formidable man of letters. In *1900* the inspiration was Gramsci, whose Marxism narrowed Bertolucci's view of the rise of the Italian proletariat to a schematic tug of war between drooling evil and iron-willed virtue. *Luna*, on the other hand, is an undigested mixture of his usual leitmotifs with a heavy dose of Roland Barthes and a dollop of Freud. Ever since *Before the Revolution*, Bertolucci's movies have resonated with his love of *melodramma*, in both its lyric and dramatic forms. However, *Luna* isn't really a melodrama told in film terms at all—it's an essay on the subject of the genre of melodrama, which is something else entirely. Here Bertolucci dissects the elements of that genre the way an amateur grammarian might diagram a sentence: He's so busy analyzing the form that he loses the sense of the text.

Throughout, *Luna* is a dogged compendium of the rules governing this archaic artistic tradition. Characters in melodrama are supposed to be larger-than-life archetypes, so heroine Catherine (Jill Clayburgh) is a transplanted American opera luminary with all the characteristic traits of the species: temperament, self-absorption, and impulsiveness, with gestures to match. Her surrounding cast of comprimarios are likewise creatures of lurid iconography. There's the lesbian confidante (Veronica Lazar) à la *Lulu*'s Countess Geschwitz, replete with black cigarette holder and perpetually ironic eyebrows. For a more contemporary standby, there is Catherine's mercurial adolescent son Joe (Matthew Barry), an open-and-shut case from some social psychology digest: alternately smothered and ignored, enamored of his deeply resented mother and longing inchoately for his absent father. When his quest for love is frustrated Joe makes do with sex and dope instead.

The plots of melodrama are mechanisms replete with unexpected twists of fate; Bertolucci dispatches Catherine's husband (dour Fred Gwynne) via a heart attack just when you and she thought he was about to get their car out of the garage, and during Catherine's subsequent Italian sojourn the director drops increasingly bald hints that her late husband was not Joe's real father after all.

This school of dramaturgy calls for illicit acts and wild surges of emotion—so Joe shoots up with the help of the dismayed Catherine (a fork suffices for the task when his syringes run out), and the two indulge in technically unconsummated incestuous sex, their scenes together careening from bantering affection to ferocious animosity. (Bertolucci would have us believe that these moments of teeter-totter histrionics bare the subconscious of the characters, but since practically every vignette is a carefully constructed journey from joy to *tsuris*, it's hard to be persuaded that what we're seeing is sheer libido.)

LUNA IS THE PRODUCT OF A camp aesthete's sensibility working overtime—Bertolucci has confused the outré trappings of the melodramatic works he loves with the artistic urgency that makes them vital. For great practitioners of the genre from Verdi and O'Neill on stage to Nicholas Ray and Visconti on screen, the structure of melodrama wasn't the raison d'être of their work—it was the vessel that contained the turbulent emotions that characterized their vision. Bertolucci reduces it all to an empty ritual of grandiloquence by piling excess on material which, by its very nature, is already stylized to the limit. If one didn't know better, one would assume that the sequences devoted to Catherine onstage were the malicious revenge of an inveterate opera-hater. With its abstractly twinkling celestial backdrop and silent-flicker histrionics, *Luna*'s *Il Trovatore* would make Verdi writhe—it resembles nothing so much as the "terribly modern operetta" Vera Charles adored in the musical version of *Mame*. (The astronomical set is an arcane in-joke, since of

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course heroine Leonora is being pursued by none other than the Count di Luna.)

At the same time, Bertolucci intends *Luna* to tell some down-to-earth contemporary truths too, and the juxtaposition of the trendy topicality of the movie's dialogue, themes, and casting with the souped-up anachronisms of his approach renders the whole opus ludicrous and banal. Bertolucci thinks it's cute when he has young Barry utter things like "I have to take a wicked piss" in his sullen monotone, but what makes it really funny is the unerring tin ear for American idioms of Bertolucci and his script collaborators. More eccentric still was the choice of Clayburgh to impersonate the preoccupied diva thrown unrehearsed into the role of the mystified mother. Few actresses are better than she at playing prosaic but spirited middle-class women, but buried under a red horsehair wig and contorting her mouth while trapped in a fish-eye closeup, she's scarcely credible as a prima donna assoluta; what she brings to mind is Charles Foster Kane's doxy Susan Alexander making a fool of herself in *Salammbô*. Under Bertolucci's tutelage, she's likewise out of character when away from the footlights. At home with Joe, she expresses her emotional travail via feeble hyperbole; at the gates of Verdi's villa, she swoons with inspiration in a way that makes her look fatuous and the composer seem like a charlatan guru.

Bertolucci clutters every scene with so many symbols, signposts to cosmic truths—the skein of yarn in which the infant Joe gets tangled, the blind senility of Catherine's former vocal coach, and of course the all-too-constant moon, apparently standing in for what to Joe is Catherine's maternal eroticism—that they don't play on any literal level. Even Vittorio Storaro's virtuoso camera work—all slaloming tracking shots and portentously angled closeups—is a form of overkill. *Luna* is a genuinely decadent movie—not for its ostensibly shocking sexual content, but because Bertolucci's once breathtaking fusion of feeling-charged content and form has degenerated into mannerism, and he doesn't seem to know the difference.

*PASSING FROM THE DELI-*rious to to the prosaic, the festival has showcased two classy literary adaptations, of varying degrees of finesse. Seeing James Ivory's version of Henry James's ***The Europeans***, from a script by Ruth Prawer Jhabvala, is like settling back for an at-home sampling of "Masterpiece Theater" on a slightly off night. Actually, with its succession of stage-front twoshots as the actors stand firm to deliver their verbose orations, "Theater in America" is more like it; you'd never know from the movie's style that this was revamped from a work of fiction rather than from a theatrical piece. Determinedly faithful to James's tale of two irresponsible but good-hearted expatriates (Lee Remick and Tim Woodward) who take refuge from impending penury in the bosom of their stern Puritan relations, *The Europeans* is an adequate illustration of its source text, but hasn't much vitality in its own right. Set in appropriate New England locations of white colonial manses amidst blazing autumn colors, the movie never makes really atmospheric use of this milieu—it's merely a picturesque backdrop for actors taking the requisite Victorian attitudes.

It wouldn't matter quite so much were the performers all up to the Jamesian dialogue, but most of them seem distinctly ill at ease with its elaborately formal syntax. As Gertrude, a repressed sensualist drawn to her male cousin from abroad, Lisa Eichhorn appears as constricted by the convoluted language she's forced to utter as by the whalebone corset underneath that decorous homespun muslin. Inexplicably cast as Gertrude's ascetic swain Mr. Brand, Norman Snow incongruously exudes the carnality one associates with the deep-voiced leading men of daytime TV drama. The reliable Miss Remick capably mimes the determined flirtatiousness that is Eugenia's main offensive weapon, but without the undertone of desperation implying that penniless middle-age awaits, should her matrimonial mission fail; Remick's gorgeously placid eyes register none of this. The recreated world of Ivory's film is pallid, not subtle, stilted where it aims to be genteel.

Wise Blood is a far more resourceful piece of filmmaking, all the more remarkable for the evidence it gives that after four decades as a director, John Huston is as versatile a dramatist and sure-footed a craftsman as he has ever been. Based on one of Flannery O'Connor's sanguinary comedies of myopic, visionary misfits in the Deep South, *Wise Blood* is a movie in which irony and compassion mingle effortlessly. At its skewed center is young army vet Hazel Motes (Brad Dourif), all frazzled impatience and frayed nerves. Hazel journeys to the big city (actually Macon, Georgia, at its January tattiest), where the Bible-thumpers outnumber the winos on the littered streetcorners downtown. The word that is revealed to him goes by the name of the Church Without Christ; his hoped-for congregation would live for the present and rely on their own frail resources to get out of their earthly messes. (Actually, Hazel is just a displaced existentialist and doesn't even know it.) What he wants is converts, but his message lacks the show biz and pie-in-the-sky to attract much of a clientele.

What he gets is an assortment of

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eccentrics who seek a more personal rapport with the prophet, but close encounters of the intimate kind just make him nervous. Within days of his arrival from the sticks, Hazel is trailed by the misbegotten likes of a puppyish, lamebrained kid (Daniel Shor) who needs a pal; a beaming, redneck hustler (Ned Beatty) who wants to package Hazel's spiel for maximum financial return; a drawling, middle-aged boardinghouse-keeper (Mary Nell Santacroce) who desires a new husband; and a wanton nymphet named Sabbath Lily Hawks (Amy Wright), who just longs to bed Hazel in the worst way. Although high-strung Hazel was heading for disaster without anyone's help, you know that Sabbath Lily, with her skin and teeth the color of curdled soybean milk, means trouble. Perversely enough, Hazel's final act of gratuitous self-destruction gives him a pathetic touch of the dignity he had wanted all along, but by now no one's left to notice.

Even if Dourif and Wright are a little too adroit, so early in their careers, at embodying twitching looniness, they've never been better used than by Huston, and the rest of the cast is similarly vivid. Huston does full justice to O'Connor's jagged-edged sense of comic squalor. The look of the film, however, is slightly puzzling. Huston employs the same matter-of-fact naturalism with which he treated the self-deluded drifters of his *Fat City*, but Hazel's bizarreness looms too large for the grey landscape of tenements and filling stations he inhabits—the hallucinatory subjectivity Huston once lavished on that other small masterpiece of the Southern Gothic, *Reflections in a Golden Eye*, might have been more apt. Yet while you can question this choice, on its own terms *Wise Blood* could scarcely have been better realized.

IF THE FESTIVAL HAS ONE undeniable purpose, it's to provide a showcase for those worthwhile but somehow esoteric efforts that might not otherwise find their public niche. The clash of cymbals that accompanies a movie like *Luna* lends élan to the rest of the festival, not the other way round, although even a relatively low-key, uncommercial item like *Wise Blood* would surely have surfaced sooner or later. Kenneth Loach's ***Black Jack*** is an offbeat, picaresque yarn set in the eighteenth century and played by a cast of British unknowns speaking in near-impenetrable Yorkshire dialect; it was a genuinely chancy item, and one of the real delights of the festival thus far. Loach's two previous major efforts, *Kes* and *Family Life*, attracted only a scant public after their festival premieres; perhaps their respective subjects—the daily minutiae of regional English life, and a psychiatric case history implying that the term insanity is just a code word for medically sanctioned scapegoating—were a bit recondite for most moviegoers, even on the art-house circuit. *Black Jack* seamlessly combines these two refrains from Loach's other movies, and if audiences shun this one as well, they'll be missing one of this year's freshest films.

In *Black Jack*, Loach has concocted a Fielding plot minus the master's lasciviousness. The title character is a mountainous French outlaw of fierce mien, (played by Jean Franval, who has the burly power of a nonsinging Jon Vickers); while he detains a coach on a provincial byway, its prize passenger escapes. She is Belle (Louise Cooper), a pubescent daughter of the rural gentry who after a siege of fever as a child had been deemed insane; she was confined and is now being dispatched to the local asylum. Retrieved by Black Jack's unwilling young accomplice in crime Tolly (Stephen Hirst), Belle is introduced into a rowdy, warmhearted carnival troupe. Thanks to their care and the affection of her youthful swain, Belle blossoms, but there's trouble afoot—some unsavory types lurk about who know a likely scam when they see one; they determine to use their knowledge of Belle's whereabouts to acquire some undeserved lucre. Even the bookish Tolly starts to worry—if insanity is indeed hereditary and incurable, mightn't Belle be better off in that odious Bedlam after all?

A plot so replete with ill-timed coincidences and last-minute rescues might lead one to expect a fast-paced tale of adventure. Yet as always, Loach is really more interested in the workaday details of life, whether in the eighteenth century or today. It's rare to see a film so unintimidated by the prospect of dealing with the trappings of an earlier period—Loach somehow succeeds in infusing his characters with a commonplace ease without ever resorting to anachronism. I don't know whether the performers in this film are professionals, but in any case they're uniformly splendid—they have both the nonchalance of civilians and the sureness of touch of the experienced pro. In its small, unprepossessing way, *Black Jack* accomplishes one of the most treasurable things the movies can do; it gives us a privileged glimpse of an unfamiliar world. ❑

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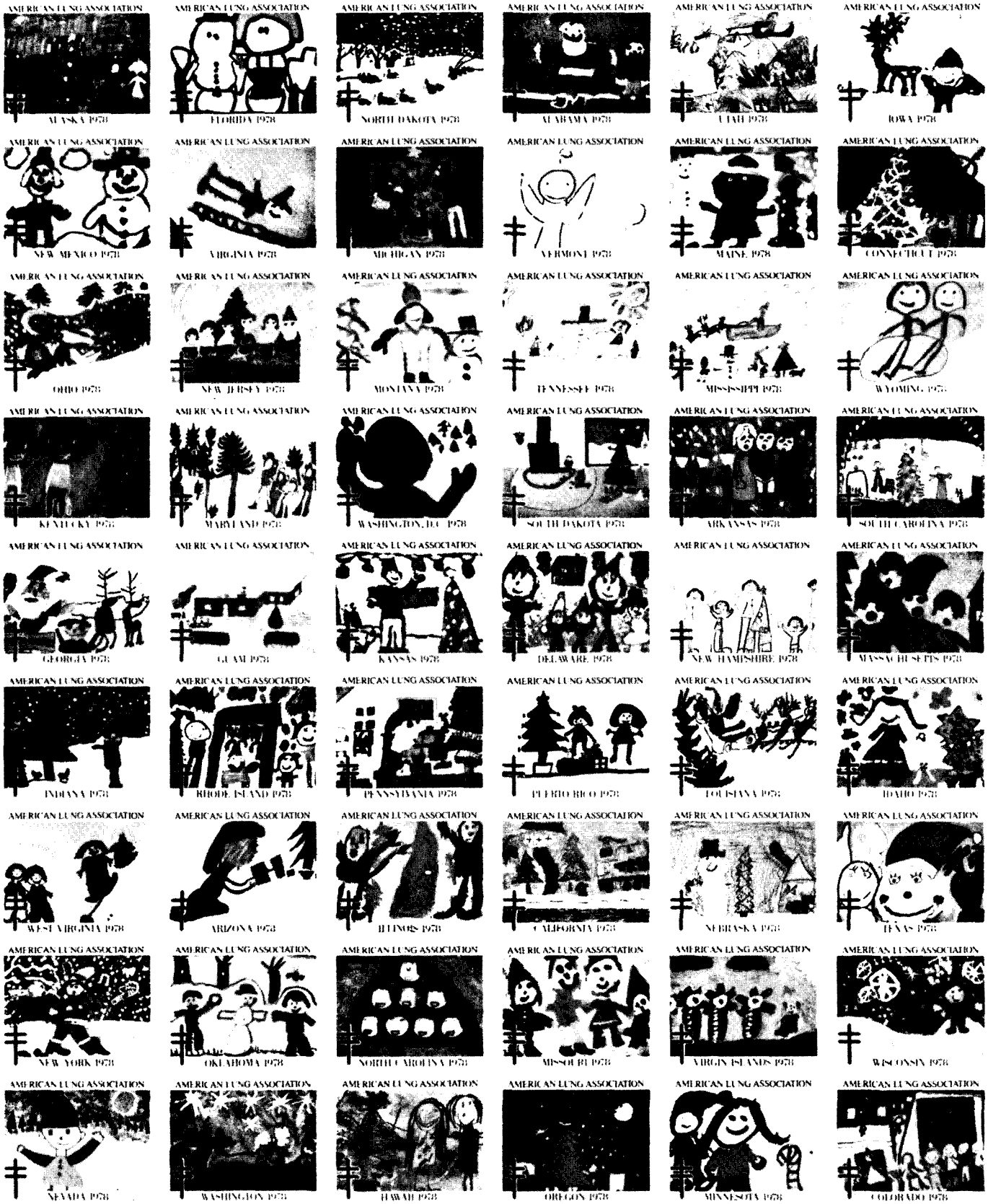

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